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PREFACE.

At one time I was sanguine enough to hope that this volume might cover the events up to the installation of Oliver in Westminster Hall under the provisions of the *Humble Petition and Advice*. It soon appeared, however, that if adequate justice was to be done to the two momentous years which passed between the Parliamentary elections of [illegible] and those of 1656, it would be necessary to travel more slowly. So many threads had to be followed out in treating of the Protector's relations with his first Parliament, the Royalist Insurrection of 1655, the institution and action of the Major-Generals, the character of Oliver's domestic government, the Cromwellian Settlement of Ireland, the expeditions of Penn and Venables to the West Indies and of Blake to the Mediterranean, together with the relations between England and the Continental Powers, that it seemed unwise to compress the narrative, especially as, in my judgment, there has been much misunderstanding of many points of the highest importance. The need of treating such subjects at considerable length is the greater because the story of these two

years reveals to us the real character of the Protectorate, as no other part of its history can do. Up to the meeting of Parliament in 1654, all was expectation and conjecture. After the meeting of Parliament in 1656, affairs, no doubt, developed themselves in various directions, but the lines of their development were already laid down in the course of the period under survey in the present volume.

As so often before, I have to thank Mr. Firth for ready advice and for many useful suggestions, whilst the publication of the third volume of the *Clarke Papers* and of *Venables's Narrative*, both of them edited by him for *The Royal Historical Society*, has materially lightened my work, especially in connection with the expedition to the West Indies.

I have also to thank *The Alpine Club* for permission to use two maps of the Vaudois Valleys, published in their new edition of Ball's *Guide to the Western Alps*, as the foundation of the one which appears opposite p. 408. The shading, however, has been toned down, some names altered or added, and for the political divisions I am alone responsible.

I have also to thank the Town Clerks of Leicester, Salisbury, and Gloucester for permission to examine the municipal records in their charge.

The copies of Swedish despatches, referred to as *Stockholm Transcripts*, were made for me through the intervention of Dr. Theodor Westrin, and are at present in my possession.

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CHAPTER XXXV.

PROTECTOR AND PARLIAMENT.

CH. XXXV.
1654
May
Milton's *Second Defence of the English People.*

On May 30, 1654, whilst the story of the assassination plot was circulating from mouth to mouth, Milton sent forth into the world his *Second Defence of the English People.* The coarse invective which deforms its pages concerns the modern reader merely as an illustration of the rude manners of the learned of the day. It is of more importance that the book gave voice to the opinions of those Englishmen to whom spiritual and intellectual liberty was of greater consequence than the independence of Parliament, and who were ready to turn their backs upon the representatives chosen by the constituencies if they threatened to erect a despotism over mental freedom. Yet, as a Parliament was soon to come into existence, Milton, unable to ignore the part it was called on to play in the new institutions, indirectly called on his countrymen to rally to the Protectorate by inserting in his pamphlet a series of laudatory comments not only on the lives and characters of Oliver and his principal supporters, but also on those of Bradshaw, the pronounced Republican, of Fairfax, the darling

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of the Presbyterians, and of Robert Overton, whose sympathies were enlisted on the side of the Levellers. Under these widely strewn panegyrics Milton undoubtedly concealed a call upon every Englishman possessed of any nobility of spirit to throw aside party feeling, and to serve under the standard of the great leader who stood foremost in the fight for those liberties of thought and action which claimed the lifelong devotion of the enthusiastic poet.[1]

He pleads for liberty.

To hold that standard upright—and, in Milton's eyes, this could hardly be done without a dissolution of such connection as still existed between Church and State—was, indeed, no easy task. Yet no practical consideration of the hopelessness of attempting to drag a nation into unaccustomed paths interfered for an instant with Milton's sublime optimism. If the people, he held, were disposed to evil, it was for the Government to educate them into the adoption of a nobler life. His conception of the functions of government.

"To rule by your own counsel," he urged on the Protector, "three powerful nations; to try to lead their peoples from bad habits to a better economy and discipline of life than any they have known hitherto; to send your anxious thoughts all over the country to its most distant parts, to watch, to foresee, to refuse no labour, to spurn all blandishments of pleasure, to avoid the ostentation of wealth and power—these are difficulties in comparison with which war is but sport; these will sift and winnow you; these demand a man upheld by Divine aid, warned and instructed almost by direct intercourse with Heaven."

Milton's exalted idealism forbade him to face

[1] I am here merely abbreviating the argument in Masson's *Life of Milton*, iv. 606.

CHAP. XXXV. 1654

He is doubtful about the Parliamentary system.

without disgust the coarser realities of a Parliamentary career. "Unless," he urged upon his countrymen, "by true and sincere piety towards God and men, not vain and wordy, but efficacious and active, you drive from your souls all superstitions sprung from ignorance of true and solid religion, you will always have those who will make you their beasts of burden and sit upon your backs and necks; they will put you up for sale as their easily gotten booty, all your victories in war notwithstanding, and make a rich income out of your ignorance and superstition. Unless you expel avarice, ambition, luxury from your minds, aye, and luxurious living also from your families, then the tyrant you thought you had to seek externally and in the battlefield you will find in your own home,—you will find within yourselves a still harder taskmaster, nay there will sprout daily out of your own vitals a numerous brood of intolerable tyrants. . . . Were you fallen into such an abyss of easy self-corruption, no one—not even Cromwell himself, nor a whole host of Brutuses, if they could come to life again—could deliver you if they would, or would deliver you if they could. For why should anyone then assert for you the right of free suffrage, or the power of electing whom you will to the Parliament? Is it that you should be able, each of you, to elect in the cities men of your faction, or that person in the boroughs, however unworthy, who may have feasted yourselves most sumptuously or treated the country-people and boors to the greatest quantity of drink? Then we should have our members of Parliament made for us, not by prudence and authority, but by faction and feeding; we should have vintners and hucksters from city taverns, and graziers and cattle-

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men from the country districts. Should one entrust the Commonwealth to those to whom nobody would entrust a matter of private business? Know that, as to be free is the same thing exactly as to be pious, wise, just, temperate, self-providing, abstinent from the property of other people, and, in fine, magnanimous and brave, so to be the opposite of all that is the same thing as being a slave; and by the customary judgment of God, and a thoroughly just law of retribution, it comes to pass that a nation that cannot rule and govern itself, but has surrendered itself in slavery to its own lusts, is surrendered also to other masters whom it does not like, and made a slave not only with its will, but also against its will. It is a thing ratified by law and nature herself, that whosoever, through imbecility or frenzy of mind, cannot rightly administer his own affairs should not be in his own power, but should be given over as a minor to the government of others; and least of all should such a one be preferred to influence in other people's business or in the Commonwealth."[1]

Milton's message to his contemporaries.

In such words did the blind poet deliver to his contemporaries the highest message of political Puritanism—that the good and wise were alone fit to bear the burden of the world. It was a view that was to a large extent shared by the Protector. Yet Oliver had failed signally in his attempt to carry it into practice in the Nominated Parliament, and, with all his spiritual exaltation, he was sufficiently a man of the world to recognise the teaching of facts, and to seek thereby to avoid a repetition of his mistake. It was certain that, without abandoning his desire to thrust aside from the high places of the State the ignorant and the profane,

The Protector's views qualified by practical considerations.

[1] Masson's *Life of Milton*, iv. 610.

CHAP. XXXV. 1654

he would do his best to come to an understanding with the new Parliament, without inquiring too closely whether the moral rectitude of all its members reached the Miltonic standard. Yet it was no less certain that, if he were driven to choose between the two ideals which had inspired the Revolution—the ideal of government by the best, and the ideal of government by the elected representatives of the nation—it would not be on the side of the latter that his suffrage would be cast. It has often been said—and that with truth—that the main problem before the Protectorate lay in the difficulty of reconciling Parliament and Army. That problem, however, had its roots in a still deeper controversy, in which the doctrine that the people should be ruled for their own good, educated in moral and religious principles, and preserved, so far as might be, from contact with vice and falsehood, was opposed to the doctrine that it is the first duty of a Government to conform its actions to the national will. The first view was that taken by the most prominent leaders of the Army; the second by the Vanes, the Bradshaws and the Lilburnes, though there might be considerable difference of opinion amongst them as to the manner in which the representative body was to be constructed.

Divergent tendencies.

If those who sided with the Army could appeal to its victorious career as evidence that it was an instrument of Divine Providence, their opponents were able to rely on memories to which few Englishmen could be entirely deaf—to the struggle waged manfully against absolute monarchy by Pym and Eliot, a struggle which had the firmer hold on the imagination of Englishmen because it was deeply rooted in the traditions of their race. Oliver himself was not entirely uninfluenced by the reverence with

The Army and Parliamentarism

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which his countrymen regarded Parliaments. He had taken part, as Milton had not, in the political combat under Pym and Hampden, before he clove his way on the battlefield to the headship of the State, and he had, therefore, enough of the Parliamentary spirit to look hopefully on the experiment before him; though he was too good a judge of mankind to expect that men like Fairfax and Bradshaw would be found contending by his side. Yet, unless he could win over the leaders, it was hard for him to find capable assistants in his pacificatory work. At all events, when he added, as the Instrument permitted him, three members to his Council, the names of the personages selected were hardly such as to awaken widespread enthusiasm. The ablest of the three, Nathaniel Fiennes, was discredited, however unjustly, by the surrender of Bristol. Colonel Mackworth, who died within the year, had called attention to himself by his refusal to surrender Shrewsbury to Charles when he marched past on his way to Worcester; whilst the Earl of Mulgrave had no other recommendation than that he happened to be at the same time a peer, and, though he had refused to sit on the Council of State of the Commonwealth, a supporter of the existing Government.

Oliver hopeful of the success of the Parliamentary experiment.

Additions to the Council.

The constituencies.

So far as the elections were concerned the framers of the Instrument had done their best to secure a favourable verdict. Resting, as they did, their hopes on the middle class, they had dealt roughly with the small boroughs, which fell naturally under the influence of the neighbouring gentry. Whereas the Long Parliament had contained 398 borough members, there were but 133 in the Parliament of 1654. The University representation sank at the same time from 4 to 2, whilst the number of

county members was raised from 90 to 265. If the small boroughs were to be disfranchised, it was impossible to divide the representation in any other way. The great shifting of population which took place in the eighteenth century was still in the future, and when four new boroughs—Durham, Manchester, Leeds and Halifax—had been entitled to return members to Parliament the number of unrepresented towns containing any considerable population had been exhausted.

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Partly, perhaps, with a view to the avoidance of opposition, but still more, it may be safely conjectured, in order to favour the middle class, the right of voting, so far as the boroughs were concerned, was left untouched. Except in a very few places, such as Preston and Westminster, that right had been either confined to the aldermen and common councillors, or expanded by the admission of the free burgesses. Even in this latter case the numbers of voters were comparatively scanty. In Colchester, for instance, where the free burgesses took part in the election, the entire number of those who voted in 1654 was but 200; in Leicester under similar conditions in 1656 it was but 59.[1] Newcastle on the other hand being a populous place, counted over 600 voters.[2] In the counties more drastic measures had been taken. The time-honoured forty-shilling freeholder disappeared from political life, giving way to a new class of voters possessed of personal or real property valued at 200*l.*—equivalent to at least 800*l.* at the present day.

The franchise in towns

and in the counties

Other prescriptions of the Instrument were directed to the accomplishment of the same object. For the first time an elected Parliament was to contain

Representatives of Scotland and Ireland.

[1] *Hall Book of the Corporation of Leicester.*

[2] *Clarke Papers*, iii. 174.

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representatives of Scotland and Ireland, to each of which thirty members had been allocated.[1] Later writers have pointed to this as a step towards the Parliamentary union of the three countries. If so, the step taken was of the shortest. Even in Scotland it was hardly probable that any considerable part of the population would take much interest in the elections, and the members returned were therefore likely to be selected from that little knot of men which had accepted the English Government. In Ireland, every Roman Catholic and everyone who had abetted the late rebellion being excluded from the franchise, the representation merely concerned the English and Scottish settlers. Indeed, so great was the disturbance in that country that it appeared difficult to hold orderly elections at all, and the Government at Westminster actually proposed to take the nomination of the members into its own hands. Though this audacious pretension was abandoned,[2] the members returned were all supporters of the Government, the great majority of them being officers of the army. The Irish representation, and to a great extent the Scottish, served the purpose of the Ministerial pocket-boroughs of the eighteenth century. Nor did the precautions taken against the return of a too representative Parliament end here. In accordance with the Instrument, not only were Royalists disqualified, but the indenture in which, under the old system, the returning officer joined with the principal electors in certifying that the persons named in it had been duly chosen was changed

[1] Scotland, indeed, had for a short time in the days of Edward I. been represented in the English Parliament.

[2] Ordinances, June 27, *Const. Documents*, 329, 332. The Protector's correspondence with the Irish Government is printed by Mr. Firth in his edition of Ludlow's *Memoirs*, i. 387.

so as to include a declaration by them that the new members were debarred from altering the Government 'as now settled in a single person and Parliament.'[1] By those who hold the franchise to be the right of all capable citizens, or who consider that form of government to be the best which rests on the widest possible basis, the restrictions of the Instrument need only to be mentioned to be condemned. It is only fair to remember that the statesmen of the Protectorate held no such theories. What they sought was to strengthen, by the help of a larger body than the Council, a system of government which in their eyes deserved to be maintained whether the nation approved of it or not.

July. Returns come in.

Yet, in spite of all these precautions, when the English returns began to come in, it could hardly be concealed that the candidates supported by the Government had in many cases been unsuccessful, pronounced Republicans, such as Bradshaw, Scot, and Hazlerigg, having been returned. In a few districts—notably in the West—Royalists had been elected in the teeth of the Instrument, and in some places this result was ascribed to the influence or even to the violence of the returning officers.[2] Those who hurriedly drew up the Instrument in the midst of a political crisis had omitted to provide any machinery for the registration of voters, though such a provision had formed part of the *Agreement of the People*. In old days, indeed, there had been little need of registration, as few persons can have held freehold land worth less than 40*s*. a year, and the names of those who held the status of a freeholder

A few Royalists returned.

No registration provided.

[1] A great number of the writs and returns are in the Record Office.

[2] These cases have been collected by Mrs. Everett Green in her preface to the Calendar of *S. P. Dom.* 1654.

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Difficulty of ascertaining whether a voter was qualified.

must have been perfectly well known to their neighbours. All this was now changed. Even a voter himself must in many cases have been unable to say whether his real and personal property combined would fetch 200*l.* in the market, and it is hardly likely that the returning officer would be any better informed. It is, therefore, no wonder that in the Wiltshire election—one of the very few concerning which details have been handed down—each party accused the other of deriving support from unqualified voters;[1] and it is highly probable that what happened in one county happened also elsewhere.

Case of Reading,

In the boroughs, for which no rule had been laid down in the Instrument, there may in more than one case have been differences of opinion as to the precise method to be observed. At Reading, for instance, a variety of practices had been followed. In 1627 the corporation alone returned the members. In 1645 the votes, not only of freemen, but even of householders who were not freemen, were held valid by the Long Parliament; whilst in 1648 the same Parliament accepted an election made by the mayor, aldermen, and burgesses alone.[2] Availing himself of this uncertainty, the mayor now announced that the corporation had elected Colonel Hammond, the late King's gaoler, though on a shout of protest from the crowd he allowed the townsmen to give their votes. It is said, however, that members of the corporation endeavoured to terrify the less wealthy of Hammond's opponents by threatening them with penalties for voting unless they possessed an estate worth 200*l.*,

[1] Mr. Firth has reprinted in his edition of Ludlow's *Memoirs*, i. 545, *A Copy of a Letter*. The retort from the other side will be found in *An Apology for the Ministers of the County of Wilts*, E, 808, 9.

[2] Man's *Hist. of Reading*, 221-227 *C. J.* v. 631.

though they must have known perfectly well that this qualification had no application to the borough franchise.[1] In the end Hammond was returned, whether in consequence of these manœuvres, or because a supporter of the Protectorate was favoured even by the enlarged constituency, it is impossible to say.

and of Southwark.

At Southwark, on the other hand, the result of the election was less favourable to the Government. Highland and Warcup—the first-named having been one of the advanced members of the Nominated Parliament—were the popular favourites, and the hall in which the election was held was crowded with their supporters. It happened, too, that, just as the friends of the Government were attempting to thrust themselves in, they were driven by a shower of rain to take shelter in the neighbouring houses. In their absence the returning officer, whose sympathies were on the other side, declared the poll closed and Highland and Warcup to be duly elected.[2]

Questions at issue.

It was probably injurious to the supporters of the Protectorate that the elections did not turn directly on the question of the acceptance or rejection of the Instrument. So far as we are able to judge, the point which the electors had principally in mind was the acceptance or rejection of the subversive doctrines of the Nominees. On such an issue the result was a foregone conclusion. For that very reason many a candidate must have secured his election who, when once it came to be understood that ministry and magistracy were safe, would hardly be found on the side of the new Constitution. As a political force, the Presbyterians were favourable to

[1] *A Speech of the Mayor of Reading*, E, 745, 17.

[2] Petitions and arguments against the election of Highland and Warcup, *S. P. Dom.* lxxiv. 66, 67, 68.

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an enlargement of Parliamentary authority; and there was much in the present temper of the electors to favour the Presbyterian candidates, especially as the passive resistance of their congregations had baffled the attempts of the clergy to establish a rigid system of discipline,[1] and it was now understood that a Presbyterian layman was merely a Puritan of a somewhat conservative temper. If society no longer stood in need of a saviour, the old arguments which had served against the Monarchy might be furbished up against Oliver without much alteration. In Wiltshire the list of successful candidates was headed by Cooper, a local magnate who can hardly be classed as a Presbyterian; the unsuccessful list being headed by Ludlow, another native of the county, who, though his hostility to the Protectorate was well known, had little in common with the ecclesiastical innovators of the Nominated Parliament. Ludlow's name, however, was followed by those of Baptists and Fifth Monarchy men; that of Cooper by those of persons whose proclivities gained for them the support of Adoniram Byfield, the scribe of the Westminster Assembly, and led to their being taunted by their opponents with being the Scottish, or, in other words, the Presbyterian party.[2]

The result of the elections.

So far as the main issue was concerned the verdict of the constituencies was beyond dispute. The party which had threatened law and property was wiped out of political existence. Of the fifty-six who had given the last destructive vote in the Parliament of 1653, four only obtained seats in the Parliament of 1654. It was made plain that

[1] For the causes of the decay of the Presbyterian system see Shaw's *Church under the Commonwealth*, ii. 98–151.

[2] See p. 10, note 1.

England would not hear of a social revolution. Within these limits other forces than purely political ones had their weight, and it is usually difficult to judge whether the successful candidate owed his election to his political principles or to his being favourably known as a neighbour. Goffe, for instance, may have been rejected at Colchester because, though warmly attached to the Protector, he was a stranger to the place; whilst his successful opponent, Maidstone, who was no less attached to the Protector, was an Essex man. On the other hand, Goffe may have failed because he was a soldier and his opponent a civilian; or, again, because his fervent religious sentiment rendered him unacceptable to the constituency. Local connection alone is hardly sufficient to account for the return of such men as Bradshaw, Scot and Hazlerigg. Whatever the cause may have been, the general result of the elections [1]

[1] Foreign ambassadors concur in styling the majority a Presbyterian one, but they are seldom to be depended on for shades of ecclesiastical opinion. The situation is more fairly set out in a contemporary letter:—"One or more of the number," *i.e.* of the Anabaptists, "stood in most places, if not in all, and they had meetings so long since as June last (two or three hundred of them together in a market town) to provide votes aforehand against election day; and yet, notwithstanding their great preparation, packing and forestalling of votes in every market town, very few of them were elected. The country, in many elections, chose such as neither stood nor were upon the place; in most such as they knew opposite both to the new anabaptistical and levelling judgment; for they looked on this negative virtue as a prime qualification of a Parliament man, being mindful, it may seem, of the last Parliament, and fearing the effects their principles might produce should many of that constitution be admitted again to places of such eminent trust. . . . In this whole discourse the Presbyterian party is not once named, either amongst the known enemies or supposed malignants, because they are now fully reconciled to the Government," *i.e.* the Instrument, "greatly favoured by the Protector, walk hand in hand with the true-hearted Independents as to civil matters, and by this conjunction are become a great strength to the settlement." Greene to ~? Sept. 4, *Clarendon MSS.* xlix. fol. 56.

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made it necessary for the Protector to do his best o win the Presbyterians to his side; and he had sufficient confidence in his position to reject a proposal made in the Council to call on all members to accept personally the engagement taken for them by their constituencies, that they would do nothing to alter the Government as settled in a single person and Parliament, on pain of being excluded from the House. Such a requirement would not only irritate hesitating members, but would assume, contrary to the fact, that the Instrument had empowered the Council to make the demand.[1]

Sept. 3. The first day of the session.

September 3, the day of Dunbar and Worcester, had been selected for the meeting of Parliament, in spite of its falling in 1654 on a Sunday. It was not, therefore, till the religious services of the day had been concluded that the members took their places in the House. When the summons to meet the Protector in the Painted Chamber was delivered, Bradshaw, with ten or twelve others, cried out, 'Sit still,' and refused to stir.[2] The attitude thus taken only served to disclose the paucity of the numbers of the irreconcilable party. They did not, however, lose much on this occasion. All that Oliver had to say to those who made their appearance in his presence was to exhort them to cultivate the spirit of unity,

[1] By the Instrument the Council had the right of refusing leave to sit to members who were disqualified as Royalists, &c., but not of demanding a personal acceptance of the engagement taken for them at their election. We owe to the Protector our knowledge of the fact that it had been proposed that the Council should exact such an acceptance. "This was declined," he adds, "and hath not been done because I am persuaded scarce any man could doubt you came with contrary minds." *Carlyle*, Speech III.

[2] Goddard's Notes in *Burton*, I. xviii; Bordeaux to Brienne, Sept. $\frac{7}{17}$, *French Transcripts*, *R.O.* For convenience' sake the notes of Goddard and others printed in the collection rightly, as Mrs. Lomas has shown, ascribed to Thomas Burton will be referred to as *Burton*.

and to invite them to listen on Monday morning, first to a sermon in the Abbey, and afterwards to a speech from himself.

Sept. 4. The Protector in the Painted Chamber.

Much to the disgust of some of the members, the Protector, when issuing from Whitehall on the following morning, assumed all but royal state. Around his coach as he passed to the Painted Chamber a hundred officers and soldiers marched with their heads uncovered.[1] The tone of his speech was very different from the fervid rhapsody with which he had greeted the Nominated Parliament. He had lost many illusions, and his own point of view had seriously changed. There was by this time in his mind a sympathy with the conservatism of the Presbyterians, which had no place in it when, more than a year before, he had invited the Nominees to show themselves worthy instruments of the actings of God. Nor can there be any reasonable doubt that he was animated by a conscious desire to win Presbyterian support, not, indeed, by misrepresenting his own views, but by placing in the foreground points of agreement, whilst leaving unnoticed those opinions of his hearers which differed from his own.[2]

Tone of his speech.

Oliver accordingly began by reminding the House of the violent changes to which the nation had been

[1] Pauluzzi to Morosini, Sept. $\frac{1}{2}\frac{3}{3}$, *Venetian Transcripts, R.O.*

[2] It may be a question how far the cramped and incoherent language of this speech is due to the reporter, and how far to the fact that Oliver knew himself to be addressing those who had still to be won, and therefore had to put a rein on his utterance. The *Clarke Papers* give equal incoherence to the speeches of others. But this speech, and also that of Sept. 22, were reported by a proficient shorthand writer, placed near the speaker, and a good deal of the confusion of which Carlyle complains must almost certainly have been Oliver's own. Perhaps a key to the riddle is found in an observation of Bonde, the Swedish Ambassador, who arrived in England in the summer of 1655. As the Protector, he says, 'piques himself on his good expression (*vältalighet*), he looks about for the most suitable English words.'

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He hopes for union at home.

subjected, though he avoided details which might have awakened bitter memories. He preferred to dwell on the hope, very near to his heart, that the work of the present Parliament would be that of 'healing and settling,' of giving additional strength to a form of government adequate—as he firmly believed—to the national requirements. Singling out the unpopular Levellers and Fifth Monarchists as the objects of attack, he held them up to scorn in language which —especially in the case of the Levellers—was distinctly unfair to the subjects of his vituperation.[1] After this, though he did not conceal his acceptance of the principle of liberty of conscience, he preferred to dwell persistently on the limitations with which it ought to be surrounded, and to vindicate for the magistrate the right of intervening whenever the pretext of religion was put forward as a cloak for licentiousness. From such utterances he must have been glad to turn to the positive achievements of himself and his Council. Passing in review the more notable of the ordinances which he had issued in consequence of the legislative power conferred on him by the Instrument, he turned with satisfaction to the subject of foreign affairs. Under this head he could tell of peace made with the Dutch and Danes, and of the treaty signed by the Portuguese Ambassador, albeit it was still unratified by his master. In consequence of that treaty, he confidently

Speaks of the limits of toleration,

and of foreign affairs.

If he stopped frequently in his speeches to pick out the best word it would account for his losing the thread of grammatical construction, as is so often the case when he was not carried away by his vehemency. Bonde to Charles X., Aug. 3, 1655, *Stockholm Transcripts.*

[1] He made no distinction between the political Levellers who followed Lilburne and the Socialists, of whom Winstanley was the most conspicuous example. The Fifth Monarchists were defended by Spittlehouse: *An Answer to one part of the Lord Protector's Speech*, E, 813, 19. Compare *A Declaration of several Churches of Christ*, E, 813, 15.

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assumed, Englishmen would be free to exercise their religion unhampered by the terrors of the Inquisition. Then followed a reference to another sovereign whose ambassador had met a similar demand with the answer that it was to ask his master's eye.[1] This reference to the Inquisition was received with loud applause.[2]

Oliver appeals to his hearers,

Once more Oliver called on his hearers to assist him in healing the breaches of the Commonwealth. "I have not spoken these things," he told them, "as one who assumes to himself dominion over you, but as one who doth resolve to be a fellow-servant with you to the interest of these great affairs and of the people of these nations." He trusted that, as soon as they had chosen a Speaker, they would take into consideration the Instrument of Government.[3] It hardly admits of a doubt that he expected the result of their consideration to be its speedy acceptance, so little was he aware of the objections likely to present themselves even to an unprejudiced inquirer.

and asks them to examine the Instrument.

Lenthall chosen Speaker.

The first act of the House was to choose Lenthall Speaker. As Bradshaw was suggested as a possible

[1] We owe the knowledge of this to Bordeaux; see Vol. ii. p. 473, note 1, and Errata. This serious revelation was withdrawn from the printed speech. Doubtless only one eye was mentioned because it would have been impolitic to say anything of the demand for commerce in the West Indies, lest it should be taken as evidence of the destination of Penn's fleet.

[2] Bordeaux to Brienne, Sept. $\frac{7}{17}$, *R.O. Transcripts*.

[3] He added 'that the first deliberations were to this purpose, that in the first place they should particularly examine the Government of the Commonwealth concluded the sixteenth day of December last.' The Dutch Ambassadors to the States General, Sept. $\frac{1}{8}$, *Thurloe*, ii. 606. This sentence, too, was omitted from the published speech (*His Highness the Lord Protector's Speeches*, E, 812, 1) after the experiment had turned out badly. That the recommendation was really given is confirmed by the proceedings in the first day's debate.

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alternative,[1] the selection of the man who had occupied the same position in the Long Parliament can only be regarded as a victory, if not for the Government, at least for the peculiar combination between the Government and the Presbyterians which Oliver hoped to call into existence. The proceedings of the day ended with the appointment of a fast to be held on September 13.

Sept. 5. Election petitions.

On the following morning the House addressed itself to serious business. The appointment of a Committee on election petitions[2] was followed by

Constitutional claims.

sharp speeches from the Republicans. One complained of the more than monarchical arrogance the Protector had shown by summoning the House into his presence, whereas the kings had met Parliament within its own doors. Another asked his colleagues whether they were prepared to leave the control over the law to the goodwill of a single man.[3] Such an appeal to the desire, inherent in every assembly, to magnify its powers was naturally received with applause. It was reserved to Hazlerigg to touch the Presbyterians on a side yet more

Hazlerigg asks for unity of religion.

tender. Let religion, he cried, be their first care. Let them establish one good form, and suppress all the sects. At one bound, by this cynical proposal Hazlerigg had outbid the Protector. Independent and tolerationist as he had hitherto been, he was prepared to cast away his earlier political creed if only by this sop to their intolerance he could win over the Presbyterians to Republicanism. One of the Councillors in the House strove to avert the mischief by asking that no business should be done

[1] *The Faithful Scout*, E, 233, 24.

[2] *C. J.* vii. 366; *Burton*, I. xxi.

[3] Pauluzzi to Morosini, Sept. $\frac{1}{11}$, *Venetian Transcripts, R.O.*

till the Instrument of Government had been taken into consideration.[1] Placed between the danger of too minute a discussion of the Instrument, and that of its being treated as absolutely of none effect, the Government chose the least of two evils.

Sept. 6. Debate on freedom of speech.

When the House met again on the morning of the 6th the Councillors were made aware that they had to do with opponents who by long experience had become masters of Parliamentary fence. The leaders of the opposition having discovered that Oliver's treason ordinance[2] prohibited any attack on his title, dilated on the danger to freedom of speech in Parliament if those members who assailed

[1] "Le mardi un d'entre eux qui estoit un des cinq que le Roy avoit voulu arrester proposa que le Parlement debvoit commencer ses deliberations sur la Religion, en fin d'en establir en Angleterre une bonne et supprimer toutes les sectes. Cet advis fut appuyé de quelques uns et contesté par la faction du Protecteur qui prétendirent que l'on debvoit auparavant que d'entrer en aucune matière reigler le Gouvernement." Bordeaux to Brienne, Sept. $\frac{7}{17}$, *French Transcripts*, *R.O.* "They therefore—from Court especially and from the soldiery and lawyers—pressed hard that the Government" (*i.e.* the Instrument of Government) "might be speedily taken into consideration, and some return made to my Lord Protector of thankfulness for his late speech." *Burton*, I. xvi. It is almost incredible that Oliver's supporters should have taken this line, unless they knew that the Protector was in favour of the submission of the Instrument to Parliament, especially if, as I suspect from the abuse which, according to Bordeaux, was levelled at Lawrence in the subsequent debate, the mover was the President of the Council himself. At all events, the incident strongly confirms the evidence of the Dutch Ambassadors as to the suppressed passage in the Protector's speech (see p. 17, note 3), and puts an end to the contention of Carlyle and his followers that Parliament entered on the discussion of the Instrument unasked by the Government. The member who moved for beginning with religion must have been Hazlerigg, as he and Holles were the only survivors of the five members. Holles did not sit in this Parliament.

[2] By this ordinance it was declared to be treason to assert that 'the Lord Protector and the people in Parliament assembled are not the supreme authority, or that the exercise of the chief magistracy and administration of the Government . . . is not in the Lord Protector assisted with a Council,' or 'that the said authority or government is tyrannical, usurped, or unlawful.' E, 1063, 41.

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the foundations of the Protectorate were liable to be judicially questioned for their words. The Councillors on their part protested that no ordinance of this kind could possibly apply to words spoken in Parliament, and succeeded by a majority of 57 in rejecting as irrelevant a motion that no Act or ordinance could prejudice freedom of speech in Parliament.[1]

Uncertificated members allowed to sit.

The claim of the Council, however, to regulate the admission of members by certificates of qualification was set at defiance by an order that the Earl of Stamford and his son should take their seats, though no such certificates had been issued to them—in all probability because they had not thought fit to demand them.[2] Either to cover its retreat, or to signify that it was not responsible for the omission, the Council sent the two members their certificates in the course of the day.[3] On the other hand the House concurred with the Council in rejecting Aldermen Adams and Langham, who might be styled Royalists as having shared in the apprentices' attack on Parliament in 1647.[4] Approving or disapproving, the House maintained against Oliver the claim of being the sole judge of electoral returns.

The House to be the judge of elections.

If the Government still entertained hopes that

[1] *C. J.* vii. 367. The supporters of the Government argued 'que le Parlement estant naturellement libre, il n'estoit pas nécessaire d'agiter ceste question.' Bordeaux to Brienne, Sept. $\frac{17}{27}$, *French Transcripts, R.O.*

[2] It is not in the least likely that the Council should have interfered to stop their entrance, as they were under no disqualification as Royalists, the only question which, by the Instrument, the Council was empowered to decide.

[3] *Ib.* Bordeaux only gives Stamford's name; but as we know from *The Perfect List of Members Returned and Approved* that Lord Grey had not been approved, there is no difficulty in filling in the second name. The B. M. press-mark of this list is 669, f. 19, No. 8.

[4] *A Perfect Diurnal*, E, 233, 26.

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Sept. 7. The Instrument referred to a Committee of the whole House.

Constitutional divergencies.

the Instrument would be accepted in its entirety by a single vote, they were soon disappointed. On the 7th a resolution was passed to refer it to a Committee of the whole House, where details might be adequately discussed, though it is true that this decision was arrived at by a majority of no more than five.[1] Yet in the debate which followed in Committee there were manifest signs that parties were divided by more than a question of detail. The supporters of the Protectorate asked for an affirmation of the words of the Instrument that the Government was settled in one single person and a Parliament. Their more resolute opponents preferred to place it in Parliament alone.[2] It was

[1] *C. J.* vii. 367.

[2] A paper of 'proposals made to the Parliament by a member thereof, 7° Sept., 1655' (*sic*), is amongst *Lord Braye's MSS.* I take it to have been Bradshaw's, as it is suitable to his opinions, and also because at least one other paper connected with him is in the same collection. It runs as follows:—

"That the proviso in the indentures of election for this present Parliament, purporting a limitation of the Parliament's power, is against the laws of the land, the fundamental liberties of the people, and of dangerous consequence.

"1. That the supreme legislative power of this Commonwealth is and ought to be in the people assembled in Parliament.

"2. That the administration of government be by such persons and in such manner as shall be by Parliament limited, expressed and declared.

"3. That remonstration be made to the Lord Protector—who hath in the intervals of the late Parliament exercised another government—of these the people's rights, in order to the restitution and establishment of the same.

"4. That in the settling hereof order be taken for the full indemnity of all persons acting under the late Governments since the 20th of April, 1653, and all others concerned in the same.

"5. That the members of this Commonwealth be enjoined to behave themselves quietly and peaceably in their several stations and places, expecting such further directions for their future deportment in relation to the Government as shall be hereafter given in that behalf; the Parliament declaring their most earnest desires and intentions through God's assistance to heal breaches, and bring to a

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suggested as an acceptable compromise that the Government might be placed 'in a Parliament . . . and a single person qualified with such instructions as the Parliament should think fit.' This last formula attracted considerable support amongst those who favoured the concentration of executive authority in a single hand, yet were as resolved as Bradshaw himself to maintain the absolute supremacy of Parliament. During the next two days the arguments necessarily turned on the relations between the legislative and executive powers. The former was pretty generally claimed for Parliament alone, freed not merely from the modest requirement of the Instrument that the Protector should be admitted to state his objections to any Bill accepted by the House, but also from the reservation of certain fundamental questions from Parliamentary legislation. The majority, in short, though ready to leave Oliver at the head of the executive, had made up its mind to impose restrictions on his independent action; whilst the supporters of the Protectorate, now beginning to be known as the Court party, urged that it was no less necessary to place restrictions on the sovereignty of a single House. Whoever else might resist the House's claim, it had many of the London clergy on its side. On Sunday, the 10th, 'the parsons generally prayed for the Parliament . . . but not much concerning the single person.'[1]

Sept. 8, 9. Continuance of the discussion.

Sept. 10. Clerical support.

Sept. 11. A vote for an Assembly of Divines.

On the morning of the 11th the House voted for the constitution of an Assembly of Divines, nominated by itself, to give advice on such matters as Parliament

perfect and peaceable compromise, according to their duty, the disjointed and unsettled affairs of this Commonwealth.

"6. That it be referred to a Committee to prepare a remonstrance upon these particulars."

[1] *Burton*, I. xxv.-xxvii.

might lay before them. The compact which Hazlerigg had suggested was thus completed and the way cleared for the establishment of an intolerant Church.[1] On the political ground, however, the advanced Republicans were powerless to carry their whole programme. In vain Bradshaw declared, as Lilburne had declared formerly, that if he was to have a master, he preferred Charles to Oliver.[2] The majority preferred Oliver, if only he would consent to occupy the position assigned to him. This party, in which the more moderate opponents of the Protectorate were combined with some who had hitherto supported it, including, it is said, a certain number of colonels, found a spokesman in Matthew Hale. From him had emanated the motion that the Government should be 'in a Parliament and single person, limited and restrained as the Parliament should think fit'; whilst either he or one of his supporters now suggested that, as the best means of establishing Parliamentary control, the members of the Council should be subject to re-election by the House once in three years.[3] Others talked of asking the Protector to deliver up his commission as general and, restraining himself to his civil functions, to leave the command of the army to an officer depending on Parliament.[4] Those who represented the Government, acting undoubtedly with the approbation of Oliver himself,[5] asked that the authority

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A great central party formed.

The terms of the Government party.

[1] *Burton*, I. xxvii.; *C. J.* vii. 367.

[2] See Vol. i. 180. In neither case can the words be taken as indicating any active desire for a Stuart restoration. Neither Lilburne nor Bradshaw wished to have either Charles or Oliver as a master.

[3] Bordeaux to Brienne, Sept. $\frac{1}{11}$, *French Transcripts, R. O.*

[4] "Che . . . dovesse presentare il Protettore la commissione dell' armi per altro generale d'esse, dipendente dell' auttorità del Parlamento." Pauluzzi to Morosini, Sept. $\frac{1}{11}$, *Venetian Transcripts, R. O.*

[5] We know this, as the three points reappear in his speech of Sept. 12.

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of the single person should at least be such as to enable him to make it impossible for any Parliament to perpetuate itself, that the power of the militia should be divided between the Protector and Parliament, and that religious freedom should be maintained.[1]

A compromise offered.

Evidently the Protector and Council had come to the resolution to accept from the House a constitution which might take the place of the Instrument, if only the House would agree to safeguard these three fundamental points. Oliver, as was his habit, had selected the points on which he was resolved to stand firm, whilst ready to throw over all minor claims. It was no merely personal question that was at issue. There are other conditions of good government than the direct rule of a Parliamentary majority, and the proposal made by Oliver through his representatives was virtually that, if these were secured, he was willing to consider all other changes in the Instrument.

In the meanwhile the question at issue pressed for a speedy solution. Only one day intervened between the last debate and the fast day which had been fixed for the 13th, and it was understood that the vote would be taken on the 12th. Nor was this all the danger against which Oliver had to provide. Taking advantage of the confusion prevailing in high quarters, Harrison had promised the Anabaptists to present to Parliament a petition calling on it to rise against tyranny, and had boasted that he would have 20,000 men at his back in its support. The Government, however, was not ignorant of his proceedings, and he was already placed under

Harrison's petition.

[1] Bordeaux to Brienne, Sept. $\frac{1}{11}$, *French Transcripts, R.O.*; *Burton*, I. xxviii.-xxxii.

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arrest and on his way to London to answer for sedition.[1]

1654 Sept. 9. His arrest

Whatever might happen to Harrison, it was imperative on the Protector to devise some means to avert the risk of the despotism of a single House, unchecked by constitutional restrictions or by fear of the constituencies.[2] Accordingly, when on Monday morning the members trooped together towards the entrance of the House, they found the doors locked and guarded by soldiers, who intimated to them that the Protector would meet them in the Painted Chamber. More than any other speech of his the words which Oliver now addressed to them revealed the inner workings of his mind. There was no longer necessity, as there had been a week before, to fit his language to the prejudices of his audience. There was no hesitation now, and the involved sayings of his former effort gave place to the majestic roll of his pleading or his indignation.

Parliament summoned to the Painted Chamber.

The Protector began by recalling to the memory of his hearers the words of his former speech, in which he had styled them a free Parliament. He had not, he now assured them, changed his opinion,

The Protector's speech.

[1] The Dutch Ambassadors (*Thurloe*, ii. 606) speak of Harrison as having been secured in his house in the country. Greene, writing on Sept. 23 (*Clarendon MSS.* xlix. fol. 58), says he was confined about Sept. 9. *The Perfect Diurnal*, under date of Sept. 13 (E, 233, 32), says that he 'was secured yesterday by a party of horse,' and Goddard (*Burton*, xxxvii.) corroborates this statement. The 20,000 men are mentioned in Pauluzzi's despatch of $\frac{\text{Sept. 24}}{\text{Oct. 4}}$, who also says that Harrison was arrested in Parliament, which must be a mistake. Probably he was secured in Staffordshire about the 9th, and reached London on the 12th. The petition, of which an abstract is given in Greene's letter, appears to have attacked the Protectorate violently, and to have called on Parliament to extirpate its tyranny.

[2] Because a Parliament, the legislation of which was not subject to the Protector's veto, might have passed an Act declaring, as in 1641, that it could not be dissolved without its own consent.

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so long as they owned the authority which had brought them together. Leaving unnoticed the suggestion that the Instrument was a mere product of usurpation, he set forth emphatically his own claim to occupy the position he now held. "I see," he cried, "it will be necessary for me now a little to magnify my office, which I have not been apt to do. I have been of this mind since first I entered upon it that, if God will not bear it up, let it sink: but if a duty be incumbent upon me which in modesty I have hitherto forborne, I am in some measure now necessitated thereunto. . . . I called not myself to this place: of that God is witness; and I have many witnesses who, I do believe, could readily lay down their lives to bear witness to the truth of that—that is to say, that I called not myself to this place; and being in it, I bear not witness to myself, but God and the people of these nations have borne testimony to it also. If my calling be from God, and my testimony from the people, God and the people shall take it from me, else I will not part with it. I should be false to the trust that God hath placed upon me and to the interest of the people of these nations if I should."

The basis of authority.

Personal justification.

In self-defence Oliver grew yet more personal. "I was," he continued, "by birth a gentleman, living neither in any considerable height, nor yet in obscurity. I have been called to several employments in the nation. . . . and. . . . I did endeavour to discharge the duty of an honest man in those services to God and the people's interest. . . . having, when time was, a competent acceptation in the hearts of men and some evidences thereof." His own hope, he declared, had been that after the war had ended the nation would have been allowed to settle down in peace, and that he him-

self might have retired into private life. Then, after descanting on the misdeeds of the Long Parliament, and more especially on the arbitrariness by which it made 'men's estates liable to confiscation and their persons to imprisonment, sometimes by laws made after the fact committed, often by the Parliament's assuming to itself to give judgment both in capital and criminal things, which in former times was not known to exercise such a judicature,' he turned for an instant to justify his own part in the unhappy failure of the Nominees. Then, coming to the question immediately at issue, he spoke of the position in which he found himself on their abdication. "We were," he said, "exceedingly to seek how to settle things for the future. My power again by this resignation was as boundless and unlimited as before, all things being subject to arbitrariness." On this certain gentlemen undertook to frame a constitution. "When they had finished their model in some measure, or made a very good preparation of it, it became communicative.[1] They told me that, except I would undertake the Government, they thought things would hardly come to a composure and settlement, but blood and confusion would break in upon us. I denied it again and again, as God and those persons know, not complimentingly, as they also know, and as God knows. I confess, after many arguments, and after the letting of me know that I did not receive anything that put me into a higher capacity than I was in before, but that it limited me and bound my hands

The formation of the Instrument.

[1] Carlyle here, as in so many other places, amends the text without warning, and prints: "They became communicative." He has misled Dr. Murray, who has quoted this phrase as the earliest instance of the word in its modern sense. It should have been placed under the obsolete sense of 'that which has the quality or habit of diffusing itself; diffusive.'

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to act nothing to the prejudice of the nations[1] without consent of a Council until the Parliament, and then limited by the Parliament as the Act of Government expresseth, I did accept it."

National approval claimed.

Oliver had still to show that the Instrument approved itself not merely to the handful of persons who had drawn it up, but to the nation at large. To begin with, he averred it 'had the approbation of the officers of the army in the three nations of England, Scotland, and Ireland.' No one knew better than the speaker that, in the eyes of most of those he was addressing, this was the very head and front of his offending: "If," it had been said in the course of debate, "titles be measured by the sword, the Grand Turk may make a better title than any Christian prince."[2] Nothing could be better than the spirit of Oliver's reply: "Truly, until my hands were bound, and I limited, . . when I had in my hands so great a power and arbitrariness, the soldiery were a very considerable part of the nations, especially all government being dissolved:—I say, when all government was thus dissolved, and nothing to keep things in order but the sword; and yet they —which many histories will not parallel—even they were desirous that things might come to a consistency, and arbitrariness might be taken away, and the Government put into[3] a person limited and bounded as in the Act of Settlement,[4] whom they

Can an army found a Government?

[1] Carlyle boldly omits the words 'nothing to the prejudice of the nations.' The sentence is not grammatically clear, but the meaning is plain, that the necessity of obtaining the consent of the Council prevented him from doing anything to the prejudice of the three nations.

[2] *Burton*, I. xxx.

[3] *I.e.* into 'the hands' of a person, as Carlyle suggests.

[4] The use of this term is curious, as showing how Oliver's mind ran on 'settling.'

distrusted the least, and loved not the worst." In these words Oliver had touched on what, far more than any real or imaginary constitutional defects in the Instrument, was the vital point at issue—Could he succeed in changing a military into a civil State? It was much to show that the very soldiers were in favour of such a change. If he had succeeded in effecting it, the subsequent history of England would have been very different from what it became. CHAP. XXXV. 1654

Then followed references to the civilian support accorded to the Instrument. Had he not been honourably entertained by the City of London, and had not counties and cities—even the great county of York and the city of York—approved of it? Had not the judges and all the justices of the peace acted under it? Had not the members of Parliament themselves been elected in accordance with its provisions? Had not, he finally concluded, the electors signed the indenture depriving the members of the power of altering the Government, 'as it is now settled, in one single person and a Parliament'? [1] Civilian support claimed.

The argument, it must be acknowledged, was by no means conclusive. It did not follow that, because the country had welcomed the Protectorate as a bulwark against fanaticism,[2] it therefore admired those clauses Exceptions to the argument.

[1] The writs (see pp. 8, 9) require that the returning officer and some of the electors shall make this declaration under their hands and seals. The indentures contained in the returns insert the proviso that the elected shall have no power to make this change.

[2] It was argued on the 11th 'that the addresses and approbation of the country were not in reference to the present Government as formally established in a single person and a Parliament, but to congratulate the present deliverance out of those extremities and confusions which the little convention or assembly were putting upon us,

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of the Instrument which exempted the executive from Parliamentary control; still less was there reason for surprise if those who could find their way into Parliament only by acceptance of the terms to which they were bound by their constituents discovered, when they arrived at Westminster, that their duty to their country demanded that they should cast them aside.[1] All such questions fall within the domain of theoretical politics. It was of practical importance that Oliver, whilst standing by the Instrument as in itself sufficient, announced his personal acceptance of the compromise proposed by his Councillors on the preceding day. "Some things," he said, "are fundamentals, about which I shall deal plainly with you. They may not be parted with, but will, I trust, be delivered over to posterity as being the fruits of our blood and travail." First came the Government by a single person and a Parliament.[2] Secondly, that Parliaments should not make themselves perpetual. Thirdly, that there should be liberty of conscience; fourthly, that neither Protector nor Parliament should have absolute power over the militia. It speaks volumes for Oliver's

Oliver ready for a compromise.

The four fundamentals.

as being sensible that any Government for the present were better, until it shall please God, in his due time, to bring us through many shakings to a steady foundation.' *Burton*, I. xxx.

[1] "For the indenture, that was calculated at Court; and, if it had not been sent down, it had never been sent up. Besides the clause itself was void, no restrictions being to be laid upon the supreme Government, which was supposed to be in Parliament; and the people when they had conferred their trust, could not limit their trustees, because they represented them; . . besides the legislative power was supposed to be a right so inherent in the people as they could not give it away, much less could their representatives." *Ib.*

[2] This was added to the three put forth in his name the day before. The addition was merely nominal, as this one was implied in the position taken by those who put forward the other three. See pp. 23, 24.

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power of seeing into the heart of a situation that whilst the Instrument of Government, with its many artificial devices for stemming the tide of Parliamentary supremacy, perished without leaving its mark on the Constitution, his four fundamentals have been accepted by the nation, and are at this day as firmly rooted in its conscience as Parliamentary supremacy itself. In protesting against the bonds of a written constitution on which the nation had never been consulted the Bradshaws and Hazleriggs were doing, as Eliot would have said, the business of posterity. Oliver was no less serving the coming generations in insisting on conditions without which Parliamentary government is a vain show.

The difficulty of reconciling them with the claims of Parliament.

It was one thing for Oliver to point in the right direction: it was another thing to give effect to his desires. The real obstacle in his way, though he took little count of it, was that the nation, or even the intellectually active part of it, had not been educated in political thought. There were hundreds who could discourse on the true constitution of the Church, and who could expansively utter their opinions on the craggiest points of divinity, for one who could say anything worth listening to on the Constitution of the State. There had been a tide of reaction against the arbitrary government of Charles which had led men to place a Parliament on the throne of the ancient kings. More lately there had been another tide of reaction against the narrowness and self-seeking of the Long Parliament in its closing months, which had led other men to seek to bind such absoluteness in the toils of a written constitution. Yet to combine the two currents of opinion was, at all events for the present, an almost insuperable task. Oliver was at least justified in holding firmly by the

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Oliver holds provisionally by the Instrument.

Instrument until some more serviceable arrangement could be placed in his hands. "Of what assurance," he asked, after speaking of the danger of Parliaments perpetuating themselves, "is a law to prevent so great an evil if it be in one and the same legislator to unlaw it again? . . . For the same men may unbuild what they have built." For this reason he was prepared to stand by the Instrument, at least in its most important articles. "I say," he asseverated, as we may well believe with heightened voice and flashing eyes, "that the wilful throwing away of this Government, such as it is, so owned by God, so approved by men, so testified to—in the fundamentals of it—as is before mentioned, and that in relation to the good of these nations and posterity; I can sooner be willing to be rolled into my grave and buried with infamy than I can give my consent unto."

Oliver's appeal.

He does not ask for assent to the four fundamentals.

Yet Oliver, resolved as he was that, so far as he was concerned, the country should never again be bound under the yoke of one sovereign and uncontrolled House, was too much alive to the realities of the situation to expect members of Parliament to bind themselves to accept without discussion either the Instrument as a whole or even the four fundamentals on which he had laid stress. What he required was merely their signatures to the following Recognition as the condition of re-entering the House :—

The Recognition.

"I do hereby freely promise and engage to be true and faithful to the Lord Protector and the Commonwealth of England, Scotland, and Ireland, and shall not, according to the tenor of the indentures whereby I am returned to serve in this present Parliament, propose or give my consent to alter the

Government,[1] as it is settled in a single person and a Parliament:"[2] All that was asked was that the representatives should take upon themselves personally the engagement which had been taken for them by their constituencies at the time of their election.

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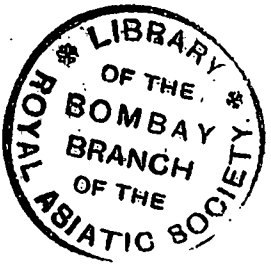
[1] *I.e.* The Instrument.

[2] *C. J.* vii. 368; *Burton*, I. xxxiii.-xxxv.; *Carlyle*, Speech III.: *His Highness the Lord Protector's Speech*, E, 812, 11.



CHAPTER XXXVI.

DRIFTING ASUNDER.

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Sept. 12. A basis of discussion.

So reasonable a requirement—amounting to no more than that the Instrument should be accepted as a basis of discussion, inviolable only on the point that government was to be divided between Parliament and a single person—was likely to conciliate all except the extreme Republicans. Before the evening about a hundred members had signed the Recognition, and had been allowed by the guards stationed at the door to pass to their seats. On the following day, which had been set apart for a fast by the House itself,[1] Bradshaw and Hazlerigg attended the sermon in St. Margaret's in the places assigned to them as members; but they made no further attempt to press their claims, and after a brief delay retired from Westminster with the bulk of their followers. So secure did the Protector feel himself, that after his return from the Painted Chamber on the 12th he gave Harrison a good dinner at Whitehall, after which he assured him that his object in inviting him had been to discharge the office of a friend by admonishing him 'not to persist in those deceitful and slippery ways whose end is destruction.' Oliver then set his old comrade at liberty, dismissing him 'with much good counsel and more civility,' which

The Recognition receives signatures.

Sept. 13. A fast day.

Sept. 12. Harrison liberated.

[1] See *supra*, p. 18.

profited neither the giver nor the receiver.[1] The fact that there was no longer any party sitting in the House likely to give a commission to Harrison to take up arms on its behalf doubtless formed the main consideration which influenced the Protector in dealing so leniently with one whom he had but recently regarded as dangerous to the State.

Sept. 14–21 Increase of the numbers admitted to the House.

The number of members willing to sign the Recognition steadily increased. On the 14th they were reckoned as 140, and no fewer than 190 were counted on the 21st.[2] Though the Government party must have occupied a strong position after the exclusion of their more pronounced adversaries, it took care to show that its object was to disarm, not to provoke, opposition. The Recognition itself, like the indenture prescribed by the Instrument upon which it had been modelled, was somewhat ambiguous, as it was not absolutely clear whether acknowledgment of 'the Government as settled in a single person and a Parliament' implied an acceptance of all the forty-one articles of the Instrument, or merely, as was the better opinion, of the division of powers between Protector and Parliament. It was now voted by common consent that the Recognition did 'not comprehend nor shall be construed to comprehend . . . the whole of the' Instrument of 'Government, . . . but that the same doth only include what concerns the government of the Commonwealth by a single person and successive Parliaments.'[3] On the 15th the Instrument itself was brought into the House, and the 18th was fixed for its discussion. When the 18th arrived Parliament asserted its independence by ordering the

Sept. 14 An explanation of the Recognition.

Sept. 15. The Instrument brought in.

Sept. 18. The Recognition acknowledged.

[1] Greene to —? Sept. 25, *Clarendon MSS.* xlix. fol. 59.

[2] Bordeaux to Brienne, Sept. ¼¼, *French Transcripts, R.O.; Burton*, I. xxxix.

[3] *C.* vii. 368.

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Recognition to be accepted by the members on the mere initiative of the House, thus entirely ignoring the Protector's action. On the following day it resolved itself into a Committee to debate the Instrument itself.

Sept. 19. The Instrument in Committee.

It is difficult to come to any other conclusion than that this line was taken with the tacit consent, if not with the absolute approval, of the Protector. The essence of the understanding he favoured was that the four fundamentals were in some way or other to be preserved, but that a Parliamentary constitution was to be substituted for the one drawn up by the Army. It was a settlement from which Oliver had everything to gain. Yet its adoption, even for a moment, implied the acceptance by both parties of some definite negotiator; and though not a spark of evidence exists on the subject, every probability points to Cooper as the intermediary. All that is known of his future career shows him as a man who would be equally impatient of a military despotism and of the religious tyranny which a Government at the mercy of the popular will was likely to exercise. He had also—what Oliver had not—a constitutional mind, and he must fully have understood the advantage of securing a Parliamentary basis for the new settlement.

An understanding with the Protector probable.

Cooper's probable part in negotiating the understanding.

Sept. 21. A basis of agreement found.

The discussion in Committee had not proceeded far when it became evident that a basis of agreement had been found. The fundamental provisions of the Constitution were not, as had been required in the Instrument, to be absolutely unalterable, but were only to be alterable with difficulty; and it was proposed that, to secure so desirable an object, they should not be changed by Parliament without the consent of the Protector for the time being. It probably cost Oliver somewhat even to contemplate the weakening of the rocky barrier he had opposed to the evils against

A veto substituted for a prohibition.

which he was contending; but, after all, there are no insuperable obstacles in political life, and it may well have been that the new arrangement, just because it was more flexible, would have been more serviceable than the scheme which had been imposed on him by Lambert and his confederates.

Discussion on the Constitution.

It remained to be seen whether Protector and Parliament could agree on the details of the proposed system. The first article of the Parliamentary constitution, giving supreme power to Protector and Parliament in the terms of the Instrument, was speedily adopted, and provision was made against the danger of Parliament perpetuating itself by a declaration in favour of triennial elections; though, perhaps with the intention of showing its independence, the Committee resolved that future sessions should extend to six instead of to five months, and that beyond that period they should only be lengthened by an Act of Parliament, on which, however, the Protector was allowed to interpose his veto. Two out of the four fundamentals having been thus disposed of, the Committee approached the third on the 22nd, voting that 'the present Lord Protector during his life, the Parliament sitting—with the consent of Parliament, and not otherwise—shall dispose and employ the forces both by sea and land, for the peace and good of the three nations.' In this the House followed the lines of the Instrument, except that nothing was settled as to the course to be adopted after the Protector's death. Yet, in spite of this omission, so pleased was Oliver with the progress made, that he wrote to offer to the House an account of his naval preparations. With equal courtesy the House replied that it was willing to leave to His Highness the management of that design.[1]

Two fundamentals accepted.

Sept. 22. The question of the armed forces.

[1] *C. J.* vii. 369; *Burton*, I. xl., xli.

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Sept. 23. Attendant difficulties.

The question of the armed forces, however, bristled with difficulties. The Instrument had left their control in the intervals of Parliament to the Protector and Council, and when this proposal was brought up for discussion, the Committee, not unnaturally, came to the conclusion that before such extensive powers were granted to the Council it would be well to determine what was to be the composition and status of that body. By the Instrument its members were appointed for life,[1] and, when removed by death, were replaced by a complicated process, in which the part of Parliament was reduced to the presentation of six names for each vacancy, out of which two were to be selected by the Council, to be presented to the Protector in order that he might make a final choice.

Sept. 26. The Council to be subject to the approval of Parliament.

By the 26th this scheme was definitely rejected, and it was proposed in its place that Councillors should be nominated by the Protector, subject to the approval of Parliament, but that not one of them should retain office more than forty days after the meeting of a new Parliament unless he secured the renewal of the vote of confidence which he had received on his appointment.

Sept. 27. Question of the Protectorate.

The position of the Council once settled, the question of the powers to be conceded to the Protector was next in order. The Committee, however, had not trenched far on this ground before it was reminded of the futility of building the foundations of government on the character or abilities of a single human being.

Sept. 29. Oliver's narrow escape from a fatal accident.

On the 29th Oliver, accompanied by Thurloe, was in Hyde Park, taking the air in a coach drawn by six spirited horses recently presented to him by the Duke of Oldenburg, when he bethought himself of changing places with his coach-

[1] Except when members were convicted of corruption or other abuse of trust.

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man. Though he was no mean judge of horseflesh, he used the whip too freely, and in the rush which followed was jerked forward, first on the pole, and then on the ground. His foot catching in the reins, his life was for a moment in danger, especially as a pistol exploded in his pocket as he was being dragged along the ground. Contriving, however, to extricate himself from his dangerous position, he suffered no damage beyond a few scratches, though he was left in a state of nervous exhaustion. Thurloe, who had jumped out, was carried home with a dislocated ankle. Friends and foes agreed in celebrating the occurrence in prose and verse, though it is hard to say whether less of the poetic quality was shown by those who rejoiced in the Protector's marvellous escape, or by those who expressed a fervent hope that his next ride would be in a cart to Tyburn.[1]

Sept. 30–Oct. 4. The power of war and peace.

During the following week the Committee busied itself with the powers to be accorded to the executive Government. The Instrument had granted the Protector and Council the right of making war and peace, merely insisting that, when once war had broken out, Parliament should be summoned to give 'advice concerning the same,' or, in other words, to provide money for carrying it on. The Committee, on the other hand, in spite of the criticism of the Court party, voted without a division that, though the Protector might make peace with the consent of the Council alone when Parliament was not sitting, he must obtain the consent of Parliament to a declaration of war, even if it was necessary to hold a session specially convened for the purpose.[2] Other subjects

[1] The story has been more fully told by Mr. Firth, in an article on Cromwell's views on sport, in *Macmillan's Magazine* for October 1894. To the evidence there collected may be added Bordeaux's account in his despatch of Oct. $\frac{1}{2}$.

[2] *Burton*, I. xliv.–xlvi.

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1654 Oct. 16–18. Question of the succession.

then occupied the attention of the members for some days, and it was only on October 16 that the question of the succession was approached. In the debate, which spread over three days, Lambert who, when the Instrument was being drawn up, had supported the proposal to give to Oliver the title of king, now urged that the Protectorate should be made hereditary. The sense of the Committee was, however, against him, and it was resolved by the large majority of 200 to 65 that it should be elective. It is almost certain that the majority comprised members of the Protector's own family,[1] who must have acted under the influence of Oliver himself, partly, perhaps, because he believed that government should be allotted to merit alone, and partly because he feared to irritate the generals who served under him, and who regarded the supreme magistracy as a prize to which all might aspire. Nor is it altogether impossible that the known incompetence of Richard had some effect in increasing the majority.[2]

[1] "D'abord son party parust le plus fort; mesme le géneral Lambert fist harangue pour persuader le Parlement qu'il estoit nécessaire de rendre la charge de Protecteur héréditaire: mais lorsque l'on est venu à prendre les voix tous ses parens et amis ont été d'advis de la rendre eslective." Bordeaux to Brienne, Oct. $\frac{1}{2}\frac{8}{8}$, *French Transcripts, R.O.* Compare Beverning and Nieupoort to the States General, Oct. $\frac{2}{8}\frac{2}{8}$. *Add. MSS.* 17,677 U, fol. 433.

[2] The most convincing testimony to Richard's reputation at this time is given by a mistake of Pauluzzi, who forwarded to Venice a sketch of the characters of the brothers Richard and Henry, but took it for granted that Henry was the elder of the two. The same mistake was afterwards made by Bonde in the following summer. Probably Pauluzzi, to some extent, represents Oliver's own attitude. "S'accommoda il Protettore alla rissolutione, non havendo voluto insister nella successione de' figlioli, per non accrescersi maggiormente contrarii et odiosi i concetti che miri solo ad eternar in lui e nella discendenza il comando supremo di tutta l'Inghilterra." Pauluzzi to Morosini, $\frac{\text{Oct. } 28}{\text{Nov. } 7}$, *Venetian Transcripts, R. O.* A less generous view was taken by Bordeaux, who writes that, the hereditary succession 'no

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The mode of election did not occupy the Committee long. On the 21st it was resolved that though the choice might be left to the Council during the intervals of Parliament, it should be made, if the House were in session at the time of a Protector's death, by Parliament itself. On the 24th it was resolved that the article in the Instrument which directed that officers of State appointed by the Protector should receive the approbation of Parliament was to remain unaltered.[1]

Oct. 21. Mode of electing a Protector.

Oct. 24. Officers of state to be approved by Parliament.

By this time it was easy to see that though the Committee was inclined to push the pretensions of Parliament somewhat further than the Instrument allowed, it had as yet no wish, except on one point—that of the appointment of the Council—to make any violent changes, certainly not to revert to the system of Parliamentary omnipotence which Oliver had so lately deprecated. Yet the difference between the two modes of choosing Councillors was a radical one. Whenever a vacancy occurred in the Council the powers of Parliament, according to the Instrument, were limited to the sending in of a list of names, out of which a choice must be made by others. Though it is true that by this means it could secure the exclusion of all candidates absolutely displeasing to itself, it could never hope to retain a hold upon the political action of a Councillor to whom had been accorded a seat for life, and who would come under the influence of colleagues inured to the exercise of government and little inclined to look with respect upon Parliamentary authority. The new proposal, on the other hand, would make the Councillors anxious to secure the goodwill of future Parliaments,

Constitutional importance of the mode in which the Council was to be chosen.

pouvoit qu'estre desagréable aux officiers de l'armée, dont le moindre prétend à son tour commander en Angleterre.' Bordeaux to Brienne, Oct. ½, *French Transcripts, R.O.*

[1] *Burton*, I. lx.

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because it was to Parliament alone they looked for the prolongation of their office. The question, in short, was whether the main executive authority was to be founded in confidence on Parliaments or not. Oliver would doubtless have preferred to retain the Instrument as it originally stood, but there is no indication that he was so dissatisfied as to desire to set Parliament at defiance; though it is possible that he was restrained from expressing what dissatisfaction he may have entertained by the knowledge that the alterations effected in Committee were to a large extent the work of his own supporters, some of them being even members of his Council.[1]

The Protector not seriously dissatisfied.

Oct. 5. The two outstanding fundamentals.

The army.

It was, in fact, impossible at this time to forecast the ultimate attitude of the Protector to the new constitution, because much would depend on the attitude of Parliament to the two fundamentals remaining to be discussed—that of the management of the army, and that of religious liberty. As yet the Committee had agreed to nothing relating to the control of the army after the death of the present Protector, having turned its attention to a more immediately practical question—that of imposing some limitations on the existing superfluity of the land and sea forces. On October 5 the Protector, after conference with a Committee appointed to come to an understanding with him on the subject, had consented to reduce the fleet by twenty-eight ships.[2] The question of

[1] Foreign ambassadors during this period speak without hesitation of Parliament as being subservient to the Protector, which is inconsistent with the view that it was in revolt against him. An echo of this belief is found in a letter written in Paris on Oct. $\frac{1}{4}$, in which the writer remarks that the Protector 'had better have sat in his chair in the Painted Chamber to govern the Parliament, which is more pliable to his pleasure, than in the coach-box to govern his coach-horses, which have more courage to put him out of the box than the three hundred members of Parliament have to put him out of his chair.' *Thurloe*, ii. 674.

[2] *C. J.* vii. 373.

1654 A religious settlement.

diminishing the army stood over for further consideration. As to religion, the House having dropped the proposal for gathering an Assembly of Divines, had appointed a Committee to consider the ecclesiastical arrangements of the country with the assistance of fifteen or twenty ministers,[1] and it was probable that these debates would occupy some considerable time. It is not unlikely that an experience of the difficulty of satisfying the combined theologians led on November 4 to the appointment of a sub-committee to confer with the Protector on the same subject. On November 7, in order to utilise the time needed for the consideration of these questions, the House[2] took up the

Nov. 4. A conference with the Protector asked for.

Nov. 7. The resolutions of Committee before the House.

[1] *Burton*, I. xlvi.

[2] There is a difference of evidence as to the actual numbers who had by this time taken the Recognition. Under the date of Oct. 6 Whitelocke gives 300; but on Oct. $\frac{1}{8}$ Bordeaux (*French Transcripts, R.O.*) admits only 260, though this number may apply only to those present at an important vote. On Dec. 12 the House ordered 300 copies of a certain paper to be distributed amongst its members, and this number seems to have been generally accepted, though on $\frac{\text{Oct. } 27}{\text{Nov. } 6}$ Nieupoort (*Add. MSS.* 17,677, U, fol. 437) gives as many as 350, and Thurloe, writing to Pell on Oct. 24, informs him that there were 'not above 30 persons in the whole 460 that have refused to sign the Recognition.' (Vaughan's *Protectorate*, i. 71.) This must surely have been an exaggeration, unless Thurloe laid stress on the word 'refused,' excluding those who remained in the country without expressing an opinion. It may on the whole be assumed that by the end of October at least 300 had qualified for taking their seats. The highest number of voters, excluding tellers, in the two divisions taken before the enforcement of the Recognition was 317. In two divisions in October, both of them of a non-political character, the highest was 195. Of course, the numbers present on any given occasion were considerably less than 300. In fourteen divisions in November the number on one occasion reached 199. In fifteen in December the highest was 184. In twenty-eight in January the highest was 224, the highest mark of November being only exceeded in three divisions, the first of which was taken on January 15. It may therefore be taken that there was no appreciable addition to the number of members actually sitting between October 25 and January 15. It follows from this calculation that any change in the attitude of Parliament towards the

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report of the Committee on so much of the new Constitution as had by this time been adopted.

1654 Nov. 10. A dispute on the negative voice.

It soon appeared that the members saw no reason to disagree with the conclusions which they had previously come to in Committee, though there were signs that the apparent harmony might change into discord when more exciting questions were reached. Speaking on behalf of the Court party on the disposal of the negative voice, Desborough expressed himself as if it had been a mere act of kindness in the Protector to divest himself in part of that absolute power which he had already in his hand. Parliament, he added, had not the opportunity to do anything it pleased; its business was merely to amend the Instrument where the Protector gave it leave to do so. On the other side it was asserted that though Parliament had no intention of refusing the negative voice on the four fundamentals, it was for the House, and not for the Protector, to impose such limitations on its inherent legislative power. Upon a division being taken it was decided by 109 to 85 that the right of passing Bills into law without the consent of the Protector should only extend to such as contained nothing contrary to matters wherein the Parliament should think fit to give a negative to the Lord Protector. Against this assumption that the House was a constituent body the whole Court party rose in revolt. "I could wish," cried Broghill, now one of the warmest of Oliver's adherents, "I could have redeemed that wound with a pound of the best blood in my body." [1] In the end, however, a compromise

The House claims to be a constituent body.

Nov. 15. A compromise.

Protector between these two dates cannot have been caused by the influx of members hitherto keeping aloof from the House through hostility to the Protector.

[1] *Burton*, I. lxiii.–lxviii. The speaker is termed a person of honour and nobility. The name is suggested by the editor, and, indeed,

was accepted, the clause being toned down to a claim that the excepted Bills should 'contain nothing in them contrary to such matters wherein the said single person and the Parliament shall think fit to declare a negative to be in the said single person.'[1]

Question of the disposal of the army and navy.

If, indeed, a breach was to come, it was far more likely to arise out of a difference of opinion on some concrete question, such as the disposal of the army and navy, than out of a dispute on constitutional theory, the more so as, though the Instrument itself had laid down that a convenient number of ships for guarding the seas, together with 20,000 foot and 10,000 horse and dragoons, should be kept up by taxation agreed to by Protector and Council without recourse to Parliament, it had also declared that extraordinary forces rendered necessary by 'the present wars' should be supported by money raised 'by consent of Parliament, and not otherwise.'[2] As matters now stood the whole of the two fleets under Blake and Penn, together with no less than 27,000 of an army which had been increased to 57,000 men,[3] were by the very terms of the Instrument dependent for support upon a Parliamentary grant. It was unavoidable that the additional burden should appear to Oliver to be, at least for the time, absolutely necessary, but should seem to members of Parliament to be capable of some alleviation. Yet there was no wish to act in this matter apart from the Protector. A Committee which had been formerly directed to wait on him having reported that, at a conference with eight officers selected by the Protector, it had been informed that only six garrisons

Nov. 15. The Protector to be asked to reduce military expense.

Broghill was the only person amongst the Protector's partisans to whom this designation is applicable.

[1] *Burton*, I. lxx.

[2] Articles xxvii. and xxx.

[3] *Burton*, I. cviii., where it is stated that the number was over

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could prudently be discharged, was now directed to return with a request for further reductions.[1]

Nov. 16. A sharp reproof from the Protector.

It is likely enough that it was to a great extent mainly this persistency in diminishing what Oliver regarded as the necessary strength of the army which prompted the sharp reply given by him on the following day to a Committee which had come for his advice on some question relating to restrictions on toleration. He 'was,' he told them, 'wholly dissatisfied with the thing, and had no propensity nor inclination to it; and that the Parliament had already taken the government abroad,[2] and had altered and changed it in the other articles as they pleased without his advice; and therefore it would not become him to give any advice at all, singly and apart, as to this article.'[3] Yet, though Oliver's remarks applied in part to the constitutional amendments, they also struck at the attitude of the Committee in regard to toleration. For some time it had been

The Committee on religion.

listening to some fourteen divines, amongst whom Owen continued to press the adoption of the scheme requiring the acceptance of certain fundamentals of religious faith which had been originally promulgated in 1652 as a condition of toleration[4]—an attitude in which he was supported by all his colleagues, with the exception of Baxter and Vines. Yet, though Baxter

Owen and Baxter.

proposed to content himself with setting up the Lord's Prayer, the Creed, and the Decalogue as the sole conditions of toleration, even this largeness of

57,000. An account printed in the *Antiquarian Repertory* (ed. 1808), ii. 12 gives the number as 52,965, 'according to the old former establishment.' Probably the army had been increased since that establishment was drawn up.

[1] *C. J.* vii. 385; *Burton*, I. lxxvii., lxxviii., note. [2] *I.e.* 'in pieces.'

[3] *C. J.* vii. 385. This answer was reported to the House on the 17th, and therefore was almost certainly given on the 16th.

[4] See Vol. ii. p. 31.

mind was insufficient for the Protector, who summoned Baxter before him, and, as the divine complained, smothered him in a torrent of words, to which he was not permitted to reply.[1]

Death of Oliver's mother.

Perhaps it was not only the contrariety of public affairs which had drawn from Oliver that sharp reply which he had addressed to the Committee. On that day his aged mother, now in her ninetieth year,[2] lay dying in that Whitehall to the splendours of which, it is said, she had never quite reconciled herself. That evening, when her harassed son visited her for the last time, she addressed him with words of heartfelt sympathy. "The Lord cause His face to shine upon you and comfort you in all your adversities, and enable you to do things for the glory of your Most High God and to be a relief unto His people. My dear son, I leave my heart with thee. A good night!"[3]

Fresh troubles impending.

Oliver had need of all his mother's confidence that his work was divinely righteous to hold up against the sea of troubles to which he was exposed. A rift once established has a tendency to widen, and November 17, the day on which the Protector's scornful answer was reported, was marked in the House by the acceptance of the Committee's proposal limiting the control of the army to the lifetime of the present Protector.[4] The idea that the actual distribution of power was not to be permanent, but was merely a temporary concession to the necessity

Nov. 17. The control of the army limited to the present Protector.

[1] *Reliquiæ Baxterianæ*, i. 197.

[2] Thurloe (Vaughan's *Protectorate*, i. 81) makes her 94; but Chester's argument for the age given above (*Registers of Westminster Abbey*, 521, note 3) is confirmed by *An Epitaph on the late . . . Elizabeth Cromwell, who lived to the age of* 89. B. M. press-mark, 669, fol. 19, No. 41. Mr. Rye, in *The Genealogist* for 1884, has dispelled the unfounded belief that she was connected with the royal house of Scotland.

[3] Vaughan's *Protectorate*, i. 81.

[4] *C. J.* vii. 386.

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of a time when the country was sloughing off the revolutionary skin was one with which Parliament, in its present temper, was certain to familiarise itself, but was hardly likely to commend itself to the mind of Oliver. What followed must have strengthened his displeasure. On the 20th it was decided that, in the event of the death of the present Protector, the forces should be disposed of by the Council till Parliament could be assembled, and then by 'the Parliament, as they shall think fit.' No division was taken, and the Court party, therefore, must have felt itself to be in a hopeless minority.[1]

Nov. 20. Disposal of the forces after the Protector's death.

Arguments on both sides.

So far as it is possible to gather the intention of the majority from the speeches uttered, it would seem that the idea at the root of their conclusions was the necessity of providing for the rule of law, and the conviction that Parliaments were the best guardians of the law. To the argument 'that to strip the next Protector of the command of the standing forces were but to make him an insignificant nothing, a mere man of straw,' they replied 'that the standing forces were never meant to be in a single person, otherwise than by consent of Parliament. It was the manner and custom of this nation, and of our ancestors, not to put our king in the head of an army, especially of a standing army, but in the head of their laws.' "And certainly," the speaker—whoever he may have been—continued, "to place the command of the standing forces alone in a single person, or co-ordinately in him and the Parliament, would be to make the Parliament a mere Jack-a-Lent, and as insignificant a nothing as the single person, in case it should be placed wholly in the Parliament. For, give any single person in the world but power, and you give him

[1] *C. J.* vii. 387.

a temptation to continue and engross that power wholly to himself and an opportunity to effect it. For, as, wheresoever there is a co-ordination of power, there is a right, mutually, on both sides to defend their interests, the one against the other; so, whensoever any advantage offers itself, the one will usurp on the other, and, in fine, strive totally to subvert it." Parliament, in short, might impose limitations on its own authority: it could not admit that the power of the sword should be permanently in hands which might use it against the nation. Put in this form the argument carries conviction, at least to later generations. Oliver's main objection was doubtless conveyed by another speaker. It had been said, he declared, 'that to exclude the Protector from the command of the standing force would be to give up the cause, that eminent and glorious cause, which had been so much and so long contended; for such Parliaments might hereafter be chosen as would betray the glorious cause of the people of God.'[1] In these last words we have the whole difficulty of establishing the Protectorate laid before us. Oliver, at least, had no love for government by the sword. Willingly, as he showed three years later, would he have exchanged a Constitution drawn up by officers and guaranteed by the army for a Constitution drawn up by Parliament and guaranteed by civil institutions. Yet in 1657, as well as in 1654, he was determined not to sacrifice 'the glorious cause of the people of God' to any institutions whatsoever. Convince him that this was safe and institutions might, with his goodwill, be shifted from one system to another. On the other hand, it must never be forgotten that he aimed at assuring the safety of the people of God, not by establishing them

The difficulty of the Protectorate

[1] *Burton*, I. lxxxiii.

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exclusively in the seats of power, but by securing them from persecution by the diffusion of liberty to all who were not blasphemers, if only they abstained from machinations against the existing Government.

The last step of the House tends to a rupture.

Natural as was the desire of the House to assure its own supremacy in the future, its last step can hardly be qualified as conciliatory. Yet it is scarcely likely that any circumspection would have induced the majority to act otherwise. Even if we credit them —as we almost certainly may—with a firm desire at the outset to establish a fair compromise which either side might accept without dishonour, the mere effluence of time must have made this achievement more difficult of attainment every day. Parliaments are as apt as Governments to stand upon their rights, and, however much both parties may have desired to divide the control of the army between them, the question which of the two was to predominate could not fail to thrust itself into the foreground; and, when once discussion had begun upon those mysteries of sovereignty, no possible goodwill amongst the disputants could be trusted to bring about an amicable solution. Verbally, no doubt, the Protector insisted, and would continue to insist, that he claimed no exclusive power over the army. It was far easier to enunciate such a proposition in general terms than to translate the principle of divided authority into a detailed scheme. As a matter of fact, the control must fall, in the last resort, either to the Parliament or to the Protector, and it is not strange that the members judged it best lodged in their own hands. Moreover, neither Parliament nor Protector was able to consider the question of the army purely on its constitutional merits. That army had too long been in the habit of intervening in politics to make it easy for

The struggle for the control over the army.

Parliament to regard it as a merely military institution. To the Protector, on the other hand, Parliamentary control over the army meant almost certain danger to the religious liberty which lay nearest to his heart. Once more the two ideals of the Revolution showed themselves to be incompatible with one another.

Nov. 17. Militia and standing army.

Nor was it only by constitutional arrangements that Parliament sought to maintain its hold over the soldiery. Some of its members, and not improbably the majority of the House, contemplated a reversion —so far as might be—to the military system which had prevailed before the outbreak of the war.[1] The militia, it had been said on the 17th, was 'the intrinsic force of the nation.' The standing forces were but such 'as, upon extraordinary emergencies, and to supply the other, were raised, or to be raised, upon the authority of Parliament, and to be maintained at the public charge.'[2] Though, with the dangers which now threatened the Commonwealth staring the members in the face, it was obvious that the standing army could not immediately give place to a militia, at no time during the session was any hint given that the majority contemplated keeping on foot more than the 30,000 regulars authorised by the Instrument, and there is good reason to suppose that the thought which already predominated was that the place of the 27,000 who would be disbanded[3] must be filled by militia, the control of which would lie with the local authorities, and not with the central Government.[4]

Feeling in the army.

The prospect of a disbandment could hardly fail to bring the officers into line against the Parliament. A few weeks before they had been less unanimous. Having been employed, as they had been, in combating the monarchy in the name of Parliament, it was

[1] Just as their successors did after the Peace of Ryswick.

[2] *Burton*, I. lxxix. [3] See *supra*, p. 45. [4] See *infra*, p. 65.

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Alured, Saunders, and Okey.

inevitable that some of them would find the new Protectorate as obnoxious as the old kingship. Of these, one of the foremost was Colonel Alured, who, having been sent into Ireland in the spring to bring over reinforcements to Monk, used language about the evil designs of the Protector so offensive as to necessitate his recall.[1] On his return to Westminster, Alured found kindred spirits in two other colonels, Saunders and Okey, and not long after the meeting of Parliament these three entered into communication with Wildman, the Leveller.[2] The result was the preparation by Wildman of a petition to the Protector, which was at once adopted by the three colonels, and intended to be circulated for signature amongst other colonels whose approval might be expected. The petition, however, was seized before any further adhesions had been given in, and the three colonels placed under arrest. On October 18,[3] however, it was published in the form of a broadsheet, probably by Wildman, who is likely to have retained a copy.

The petition of the three colonels.

It is seized,

Oct. 18. but published.

Starting with a reference to the often-quoted Declarations of the Army, the petitioners assert that Charles I. had been brought to justice for opposing the supreme power of Parliament, 'the King's unaccountableness being the grand root of tyranny.' "We having, therefore," continue the three colonels, "seriously and sadly considered the present great transactions and the government in the settlement

It recites the evils of monarchy.

[1] The Protector to Fleetwood, May 16; the Protector to Alured, May 16: *Carlyle*, Letters cxciii., cxciv. *The Case of Col. Alured*, E, 983, 25.

[2] Thurloe's Notes, *Thurloe*, iii. 147. Hacker is noted to have been present at the meeting where the petition was discussed. He was a strong Presbyterian, but remained constant to the Protector. Can he have informed the Government of what was going on?

[3] B. M. press-mark, 669, f. 19, No. 21, where the date of publication is given by Thomason. Mrs. Everett-Green wrongly gives it in her Calendar as Dec. 20, 1653.

whereof our assistance is required, . . . declare to your Highness . . . that we sadly resent the dangerous consequences of establishing that supreme trust of the militia, at least for the space of two years and a half of every three years, in a single person and a council of his own, whom he may control by a negative voice at his pleasure." The army, too, might in the hands of some successor of the present Protector become 'wholly mercenary and be made use of to destroy at his pleasure the very being of Parliaments.' Moreover, though the Instrument enabled Parliament to pass ordinary Bills without the Protector's consent, it would always be open to a Protector to allege that any Bill to which he objected was contrary to some article of the Instrument, and so beyond the power of Parliament to insist on,[1] especially as it would be difficult to question the allegations of the master of 30,000 men. Nor, even if the Protector refrained from throwing his sword into the scale, was it easy to reconcile with the ancient freedom of the country a Constitution which provided the Government with 200,000*l.* for the expenses of administration, as well as with sufficient means of keeping up an army of 30,000 men and a fleet sufficient to defend the coasts without any recourse to a Parliamentary grant.

Allegation that a negative voice is practically given to the Protector,

as well as the right of raising supplies independently of Parliament.

On these premises the petitioners based no uncertain conclusion. "Now," they declared, ". . . finding in our apprehensions the public interest of right and freedom so far from security that the first foundations thereof are unsettled, and the gates are open that may lead us into endless troubles and hazards, the government not being clearly settled

What is the basis of the Protectorate?

[1] This is, no doubt, an exaggerated statement, but it points to a real gap in the Instrument—its omission to provide a means of obtaining an authoritative decision as to what Bills were in accordance with the Instrument.

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either upon the bottom of the people's consent, trust or contract, nor [upon] a right of conquest, . . . nor upon an immediate divine designation; and our ears being filled daily with the taunts, reproaches and scandals upon the profession of honesty, under colour that we have pretended the freedoms of our country, and made large professions against seeking our private interests, while we intended only to set up ourselves; these things thus meeting together do fill our hearts with trouble and sadness, and make us cautious of taking upon ourselves new engagements, although none shall more faithfully serve your Highness in all just designs; . . . and we are hereby enforced to . . . pray . . . that a full and free Parliament may, without any imposition upon their judgments and consciences, freely consider of those fundamental rights and freedoms of the Commonwealth that are the first subject of this great contest, which God hath decided on our side, according as the same have been proposed to the Parliament by the Grand Council of the Army in *the Agreement of the People*, which remains there upon record; that, by the assistance and direction of God, they may settle the Government of the Commonwealth and the ways of administration of justice, and secure our dearly-bought freedom of our consciences, persons and estates against all future attempts of tyranny; and such a settlement will stand upon a basis undoubtedly just by the laws of God and man—and therefore more likely to continue to us and our posterities—and in your Highness's prosecution of these great ends of the expense of all the blood and treasure in these three nations, your petitioners shall freely hazard their lives and estates in your just defence."

An appeal to a free Parliament.

The appeal of the three colonels to a full and free

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Parliament intended to act as a constituent assembly, in the hope that it would guarantee complete liberty of conscience, was astonishingly naïve. For that very reason it was likely to find an echo amongst those simple souls who had taken arms to regenerate their country, and who failed to see why salvation was so long on the way. Even in the navy—little given to idealisms as it was—the demands of the three colonels found transient favour. Blake's fleet had, indeed, sailed from Plymouth for the Mediterranean on October 8, but Penn's was still delayed at Portsmouth, and, almost at the same time that the petition of the colonels was discovered, a petition of his seamen was laid before the officers, with a request that it might be forwarded to the Protector. The prayer of the petitioners was that Parliament might be pleased to maintain and enlarge the liberties of the free people of England, whilst they reminded that body of the frequent declarations of the army in favour of political progress. Yet it soon appeared that the demands of the sailors did not exclusively relate to the constitutional requirements of the nation, as they proceeded to ask that impressment might be abandoned;[1] that sailors might not be sent on foreign service without their own consent; that, when that consent had been given, they might issue letters of attorney, enabling those dependent on them to draw their pay at least once in six months; that in the event of their being themselves killed in the service these dependents might be entitled to such compensation

A constituent assembly demanded.

Oct. 8, Sailing of Blake's fleet.

Discontent amongst Penn's crews.

The seamen's petition.

[1] They complained 'that your petitioners . . . continue under very great burdens, being impressed and haled on board the Commonwealth ships, turned over and confined there under a degree of thraldom and bondage, to the utter ruin of some of your petitioners' poor families.' This seems to dispose of the view that 'impresting' or 'impressing' was, at least in practice, a voluntary arrangement.

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as might be agreeable to justice; and, finally, 'that all other liberties and privileges due to' the petitioners might 'be granted and secured.'[1]

Oct. 17. Approved by a Council of War.

On October 17 a council of war held on board Penn's ship, the 'Swiftsure,' was presided over, in his absence, by Vice-Admiral Lawson. It decided unanimously that it was 'lawful for seamen to tender their grievances by way of petition.' Descending to particulars, it decided, with only four dissentients, that the complaints were directed to real grievances, with the exception of the one relating to foreign service; whilst the four who dissented objected only to the one relating to impressment.[2] With these remarks the petition was forwarded through the generals at sea to the Protector.[3] Oliver was too well advised to allow the fire to smoulder. Sending Desborough to Portsmouth to inquire into the seamen's grievances,[4] he rightly judged that if the arrears of their pay were made up they would not persist in their other complaints. There is every reason to believe that considerable sums were set aside for this purpose, and on November 6 Penn was able to write that by the blessing of God the fleet was in a quiet posture and without the least appearance of discontent.[5]

Nov. Desborough sent to inquire.

Money sent to the crews.

Nov. Quiet restored.

[1] *Petition to the Protector*, B. M. press-mark, 669, f. 19, No. 33.

[2] Proceedings at a Council of War, Oct. 17; *ib.* No. 32.

[3] The Council of War also voted, with two dissentients, that 'seamen petitioning their private commanders and delivering their forementioned petition, with desires that they would please to move the generals and chief officers,' be owned, on the understanding that 'the Lord Protector is not immediately petitioned by the same.' The court was composed of two admirals, eighteen captains, three lieutenants, and one master; all of whom, except Lawson and two captains, went out under Penn.

[4] Pauluzzi, writing on Nov. $\frac{1}{2}\frac{3}{3}$, states that one of the generals at sea had been sent. Only Penn and Desborough were at that time available, and, if Pauluzzi had had Penn in his mind, he would almost certainly have referred to him as the Admiral of the fleet in question.

[5] Penn to the Admiralty Committee, Nov. 6, *Add. MSS.* 9304,

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For common seamen to send up, even through the hands of their officers, a semi-political petition was so completely at variance with established custom that it is in the highest degree improbable that the form taken by their complaints originated with themselves. If we cast about for its authorship, we can light on no more probable draftsman than Lawson. A Baptist by creed, he sympathised warmly with the Levellers, and his name is to be found in a list, jotted down by Thurloe for his own use, of those who had been present early in September at a meeting between Wildman and the three colonels.[1] Five months later his objections to the Protectoral system were so well known that Charles attempted to enter into communication with him.[2] Since the Protector, knowing as much as he

The petition not likely to have originated with the seamen. Lawson its probable author.

fol. 97. There is no direct evidence of the men being paid, but on Oct. 27 a patent directed the issue of 100,000*l.* to the Treasurer of the Navy (*R.O. Enrolment Book, Pells*, No. 12), and of this sum 55,000*l.* was paid to him on Nov. 1 (*R.O. Issue Book*, Mich. 1654–5).

[1] *Thurloe*, iii. 147.

[2] Charles to Lawson, Feb. $\frac{10}{20}$, 1655, *Clarendon MSS.* xlix. fol. 347. The belief that Penn and Venables had offered their services to the King is mainly founded on a passage in *Clarendon*, xv. 6: "Both these superior officers were well affected to the King's service, and were not fond of the enterprise they were to conduct, the nature of which they yet knew nothing of. They did, by several ways, without any communication with each other—which they had not confidence to engage in—send to the King that, if he were ready with any force from abroad, or secure of possessing any port within, they would engage, with the power that was under their charge, to declare for His Majesty; . . . but neither of them daring to trust the other, the King could not presume upon any port, without which neither had promised to engage." Clarendon, in this later part of his history, is not to be trusted implicitly, and his statement that neither Penn nor Venables knew anything of the nature of the expedition shows how little he was acquainted with the situation. Moreover, so far as Venables was concerned, his regiments, brought from various quarters, were never so much in hand as that he could presume on his authority with them for such a purpose, though this is assumed in an improbable story told in Barwick's *Vita J. Barwick*, p. 124. This book was published in 1721, though it was written some years before the publication of Clarendon's *History*, and may therefore at least be taken as evidence of an independent tradition among the Royalists. Granville Penn, indeed, in

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did, retained Lawson in command of the Channel Squadron, he must have had some strong reason for doing what was, on the face of it, an impolitic act—a reason which there would be no difficulty in specifying if Lawson had ingratiated himself with the seamen by giving voice to their inarticulate discontent.

Nov.–Dec. Fate of the three colonels

The revelation of political discontent in the army was far more serious, and the three colonels had to suffer for their audacity. Saunders, indeed, had already made his submission and had been restored to his command; though afterwards he retracted his apology, and consequently lost his commission. Okey having been acquitted by a court-martial on a charge of treason, was allowed by the Protector to obtain his liberty on surrendering his commission. Alured's case was complicated by the charge against him of having attempted to stir up mutiny in the Irish army, and he was not only sentenced to be cashiered, but was detained in prison for more than a twelvemonth.[1]

his *Mem. of Penn*, ii. 14, attempts to bolster up Clarendon's statement by a reference to a letter from Charles which he had seen in print in some collection, the very title of which he had forgotten. As no such letter is known to exist, this reference is of little weight. The only apparent support Clarendon's statement finds is from a memorandum written by Ormond for the Count Palatine of Neuburg, in which he says that: "Besides the power the King hath in the navy and amongst the seamen, and in this particular fleet under Penn, where—besides the common soldiers and mariners—there are many principal officers who have served his Majesty, and whose affections will dispose them to receive any orders from the King; all which will appear as soon as His Majesty hath the liberty of ports to encourage the resort of his ships and seamen to his service; which, whensoever he shall have, Cromwell will hardly adventure the setting forth of any great fleets, well knowing how ill-affected the seamen are to him." Memorandum, June $\frac{7}{17}$, 1655, Carte's *Orig. Letters*, ii. 54. It will be seen, however, that nothing is here said about Penn's personal fidelity to Charles, and that the ports to be opened are evidently not those on the English side of the Channel, but such as Dunkirk and Ostend, expected to be available on a breach between Spain and the Protector. If there was any expectation from the 'principal officers,' Lawson is likely to have been one of those referred to.

[1] Thurloe to Pell, Nov. 24, Dec. 1; Vaughan's *Protectorate*, i. 83, 87;

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The army dissatisfied with Parliament.

It is not likely that the punishment inflicted on the colonels would, in itself, have affected the temper of a House which was hardly in sympathy with their demand for a free Parliament and unbounded liberty of conscience. Offence was, however, taken when it came to be understood that the chief officers of the army were opposed not merely to these exaggerated demands, but to the attempt of the Parliament to supersede the Instrument, which they regarded as their own work, in favour of Parliamentary government. "I think I may tell you," wrote an onlooker as early as November 16, "this Parliament will end without doing anything considerable—at least anything that should look like opposition to the Lord Protector; and the officers of the army are, by his wisdom, taken off their discontents, which only would have given life to what cross votes could have passed; and now the breath some of the House spend in opposing his greatness is little regarded; the people's expectation of receiving relief from taxes, and for bringing the army from 56,000[1] to 30,000, which is but according to the Instrument, is insensibly worn away, and very few care when or how they end."[2]

Nov. 16. Opinion of an onlooker.

Nov. 25. A meeting of officers.

The officers were not slow in giving voice to their sentiments. On November 25 thirty or forty of them met at St. James's; but, though they adjourned in the hope of a fuller gathering, they had already allowed it to be understood that they were prepared to 'live and die to maintain the government as it is now settled.' To Thurloe this devotion

Newsletter, Dec. 2, intercepted letter, Dec. 21, *Clarke Papers*, iii. 11, 15; *The Case of Colonel Alured*, E, 983, 25.

[1] The number appears to have been above 57,000. See *supra*, p. 45, note 3.

[2] Intercepted letter, Nov. 16, *Thurloe MSS.* xv. 173.

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to the unamended Instrument seemed hardly in place. "Possibly," he remarked, "they may be too severe upon that point, not being willing to part with a tittle of it." When the officers met again on the 29th they persisted in their resolution to live and die, not only with his Highness, but with 'the present Government,' or, in other words, to defend the Instrument against all opposers.[1]

Nov. 29. A second meeting.

Effect of the officers' intervention.

In Parliament the intervention of the officers caused the profoundest dissatisfaction. "The army," it was said, "has shown its wish to take part in the government, as if it had been a second House."[2] The temper aroused by what was naturally considered as unwarrantable meddling could not fail to influence the deliberations of the House. Yet for the time there was no definite rupture. On November 21, indeed, before the first meeting of the officers, Parliament had resolved to reduce the monthly assessment from 90,000*l.* to 30,000*l.*, but on the following day it referred the whole financial question to a Committee, with a view to a more complete settlement.[3] After this a Committee which had been appointed at an earlier stage to persuade the Protector to reduce the army[4] reported that, though he had expressed an opinion adverse to the course on which Parliament was bent, he had concluded by saying that he would not positively declare against the object it had in view; upon which both sides had mutually agreed that fresh conferences should be held to discuss the matter further.[5] Accordingly, on December 6, after

Nov. 21. The assessment to be reduced

Nov. 22. A Committee on finance.

Nov. 23. A conference with the Protector.

[1] Newsletters, Nov. 25, Nov. 30, *Clarke Papers*, iii. 10; Thurloe to Pell, Nov. 24, Dec. 1, Vaughan's *Protectorate*, i. 83, 87. As Thurloe's remark was made on the day before the first meeting, the officers must have taken care to allow their opinion to be known individually.

[2] Salvetti's Newsletter, Dec. $\frac{1}{11}$; *Add. MSS.* 27,962 O, fol. 349.

[3] *C. J.* vii. 387.

[4] See *supra*, p. 45.

[5] *C. J.* vii. 388; *Burton*, I. xcii. xciii.

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the officers' declaration was known, a debate on the reduction of the army was adjourned on the express ground that an understanding between Protector and Parliament was still to be expected.[1]

Dec. 6. The debate on the army adjourned.

The removal of this question from immediate discussion made room for another of an equally burning nature. On December 7, the day after the army debate was adjourned, a vote that 'the true reformed Protestant religion, as it is contained in the Holy Scriptures, . . . and no other, shall be asserted and maintained as the public profession of these nations,'[2] was without difficulty passed, the wording being somewhat more combative than that of the Instrument. On the 8th, when the question of tolerating sectarian worship came up, difficulties began to arise. It is true that the House voted that the Protector should have a negative voice to any Bill compelling attendance on the services of the Established Church, but it refused to allow him to exercise it in the case of Bills enjoining attendance on religious 'duties in some public church or chapel, or at some other congregational and Christian meeting.' There was a warm discussion as to the assertion that such meetings must be 'approved by the magistrate according to law'; but though the Court party—in this case the party of toleration—was beaten in a division by 79 to 62, it was strong enough to reopen the question, and the words empowering the magistrate to decide what congregations were to be suffered to meet were ultimately expunged.[3] Though it was agreed that the consent of the Protector would be required to any Bill restraining persons of tender consciences, unless they abused their liberty 'to the civil liberty of others or the disturbance of the

Dec. 7. A vote for an Established Church.

Dec. 8. Question of the toleration of sectarian worship.

Dec. 9–11. Restricted liberty for tender consciences.

[1] *Burton*, I. cviii. [2] *C. J.* vii. 397. [3] *Ib.* vii. 398.

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public peace,' yet this offer was clogged by a proviso that Parliament alone should pass Bills for the restraint of atheism, blasphemy, damnable heresies, popery, prelacy, licentiousness and profaneness. An attempt to except 'damnable heresies' from the list was defeated by 91 to 69. On the 11th, however, the Court party gained a victory, though by the barest possible majority, carrying by 85 to 84 a vote that the 'damnable heresies' excluding from toleration should be particularly enumerated in the constitutional Act, instead of being left to the judgment of future Parliaments, and still less to the judgment of individual magistrates.[1] In this frame of mind the House politely waved aside a list of twenty fundamentals,[2] though these had been accepted by the Committee appointed to confer with the divines, who had contented themselves with reproducing the restrictive fundamentals which Owen, that light of the Independents—now fallen under the baleful influence of Cheynell—had attempted to press upon the Long Parliament in 1652. The Committee was, indeed, thanked for its services, but recommended to apply itself to the question of the fundamentals to be required not from tolerated congregations, but from the ministers who received public support within the limits of the Established Church.[3] It was about this time that some of the members, discontented with the concessions made by the House, applied themselves to the common councillors of the City, supporting them in the preparation of a petition intended 'to

Dec. 12. Twenty fundamentals of religion.

[1] *C. J.* vii. 399. [2] *Ib.*

[3] See Vol. ii. 31, and *supra*, p. 46. For the relation between Owen's fundamentals of 1652 and so much as is known of those of 1654, see Shaw's *Hist. of the . . . Church during the Civil Wars*, ii. 87.

encourage Parliament in the settling of Church government,' evidently in the old intolerant fashion. "When," sighed Oliver, "shall we have men of a universal spirit? Everyone desires to have liberty, but none will give it." [1]

A City petition.

Not unnaturally, what appeared in Parliament to be progress in the direction of toleration was, in the eyes of the military leaders, a mere reversion to the persecuting tyrannies of the past. About this time some of the officers presented a petition to the Protector asking, amongst other things, 'that liberty of conscience be allowed, but not to papistry in public worship, that tithes be taken away,' and 'that a law be made for the righting persons wronged for liberty of conscience.' [2] The House had so much to gain by coming to terms with the Protector, in order to avert this renewed interference of the army, that it becomes easy to account for the recent votes without having recourse to the supposition that the virtue of toleration was more appreciated than before.

An army petition.

Its effect on the House.

Repressed feeling is sure to seek an outlet, and on the 13th the intolerant majority gave vent to its indignation in what might seem to be a safe direction by committing Biddle, the Socinian, to prison. For some time the House had been busy with his case, and his refusal to reply to such questions as "Whether Jesus Christ be God from everlasting to everlasting,"

Dec. 13. Biddle imprisoned.

[1] B. T. to ——? *Clarke Papers*, ii. Pref. xxxiv.-xxxvii.; *Carlyle*, Speech IV.

[2] This petition is given in an undated letter, which, as it mentions the sailing of Penn's second squadron, must have been written about Dec. 25, but is inserted in the *Clarke Papers* (iii. 12-14) between other papers of the 16th and 19th. A despatch from Pauluzzi on the 12th (*Venetian Transcripts, R.O.*) speaks of a petition as having been already presented. Though the heads are not quite the same as those given in the Clarke letter, there is sufficient likeness to make it probable that the same petition is referred to. The undated paper may easily have been displaced by a few days.

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and "Whether God have a bodily shape," brought matters to a crisis.[1] The next step taken by Parliament was likely to be attended by more serious consequences. On the 15th the House reaffirmed the votes it had passed between the 9th and the 11th, to the effect that the consent of the Protector should not be required to Bills in restraint of atheism, blasphemy, and damnable heresies, of which latter a list was to be drawn up by Parliament, if necessary without the Protector's consent.[2] Such a resolution was a distinct defiance of the army, and of Oliver himself.

Dec. 15. Parliament to enumerate heresies.

Approaching expiration of the assessment.

All policies centre in finance, and though the question of the reduction of the army had made no further progress, it could not possibly escape attention as soon as the expiration of the last assessment made it necessary to come to a decision on the public revenue and expenditure. For some time past a Committee had been occupied with the subject, and on November 29 a Bill granting the assessment at the rate of 60,000*l.* a month, in the place of the 90,000*l.* at which it now stood, had been read a second time.[3] For the Protector the reduction of the army involved in this change was a serious matter, and he took care to remind a deputation of members that the present assessment would expire on December 25, and that if no fresh taxation were provided the soldiers would be forced to live at free quarter.[4] It is probable that the irritation of

[1] *C. J.* vii. 400; see Vol. ii. 27, 28.

[2] *C. J.* vii. 401; see *supra*, pp. 61, 62.

[3] *Ib.* vii. 392. For a proposal to reduce it to 30,000*l.*, see *supra*, p. 60.

[4] "Il . . . leur déclara, que si l'on n'augmentoit les impositions, qu'il donneroit des quartiers aux troupes." Bordeaux to Brienne, Dec. $\frac{11}{21}$, *French Transcripts, R.O.* So far as it goes, this seems to show that the Protector was still unwilling to put forth his claims under the

the House in consequence of the inroad of the army into politics was the cause of a vote taken on the 16th, when it turned back from its former intention of giving the control of the army to the present Protector for life, and by the very large majority of 90 to 56 granted a revenue for the support of the army and navy merely till forty days had passed after the next meeting of Parliament.[1]

Dec. 16. A revenue voted till forty days after the next meeting of Parliament.

Having thus gained the upper hand—so far as its own resolutions could effect anything—the House sought to tighten its hold on the army still further by limiting the supplies without which the army could not be maintained. On December 18 the sub-Committee of Revenue, which had for some time been active under the chairmanship of Colonel Birch, was directed to make its report to the Committee of the whole House. In the debate which preceded this order a member —perhaps Birch himself—argued that 'if we keep up our forces or our charge as high as now, when we have voted but 60,000*l.*, we must needs expect a vast debt, and an impossibility to discharge it; but for the proportion of 30,000 men it may well be that the 60,000*l. per mensem* may suffice; and if that number be not enough, we can enlarge it when we fall on the consideration of the militia.'[2]

Dec. 18. A financial debate.

Proposal to replace regular soldiers by a militia.

There was little doubt that the solution of the military problem conveyed in these words would prove acceptable to the Parliamentary majority. To reduce the standing forces to 30,000 and to disband the remaining 27,000, replacing them by a local militia, which would fall under the power of the Puritan

Instrument, which undoubtedly gave the Protector and Council power to levy money, at least for 30,000 men, without applying to Parliament

[1] *C. J.* vii. 401. [2] *Burton*, I. cxx.

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country gentlemen who were preponderatingly represented in the House, was exactly the remedy which would adapt itself to their interests and ideas. It was, perhaps, a suspicion of the danger into which the House was running that held it back from immediately acting on the suggestions now made. As if to show its conciliatory intentions, it voted at once that 200,000*l.* should be annually set aside for the expenses of the civil government not only during the lifetime of the present Protector, but in perpetuity.[1] The Assessment Bill passed its third reading on the 20th.[2] On the following day it was proposed to insert in this Bill a clause which had been added to the Constitutional Bill on November 23[3] restricting in the terms of the Instrument the right of levying taxation to Parliament, but omitting the proviso of the Instrument which excepted the supplies needed for the administration of government and for the armed forces, an omission which in the case of the Constitutional Bill the House intended to supply by articles subsequently to be introduced. The Court party, apparently indignant at this attempt to settle a grave constitutional question in connection with a money grant, carried Parliament with it in refusing present consideration for the proviso by the considerable majority of 95 to 75, and the whole question of the assessment was then adjourned for eight days. Time would thus be allowed for the House to consider the question more fully. On December 23 the Court party gained another victory, carrying by 111 to 73 a resolution that the various clauses of the Constitutional Bill should be referred

Hesitation of the House.

Dec. 20. Third reading of the Assessment Bill, Dec. 21. The Court party in the ascendant.

[1] *C. J* vii. 403.

[2] *Ib.* vii. 405. After the third reading additional clauses and provisoes might still be added.

[3] *C. J.* vii. 388.

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Dec. 23. The Constitutional Bill again in Committee.

once more to a Committee of the whole House,[1] with the evident hope that they might persuade it to adopt at least a modification of the portions obnoxious to the Government. There is strong reason to believe that at this time neither Protector nor Parliament despaired of an understanding.[2] Some members, at least, hoped to find a different basis of settlement. As soon as the House went into Committee Augustine Garland, himself a regicide, proposed that the royal title should be offered to the Protector. He was supported by Cooper and Henry Cromwell, but it is probable that most, if not all, of the soldiers in the House took part with the Parliamentarians against the proposal. At all events the motion was withdrawn without a division.[3] The motives of those who supported it must be left to conjecture, but it is

Garland's motion for offering the kingship to the Protector.

[1] *C. J.* vii. 408.

[2] "Hors la réduction des troupes à trente mille hommes, conforme à l'instrument de l'armée, et celles des levées à proportion, il ne paroist rien qui puisse exciter sujet de querelle, si ce n'est la religion, qui a esté réglée sans laisser pouvoir au Protecteur de rien changer à vingt articles que l'on a dressez." Bordeaux to Brienne, Dec. $\frac{28}{18}$, *French Transcripts, R.O.* Bordeaux has not quite understood the involved vote of the 15th, but his general impression that the points of difference were not many deserves attention. Nieupoort states a few days later that 'den Heere Protecteur twee puncten in het Gouvernement gaerne verandert sagh, en dievolgens de eerste instellinge, by het Parlement soude vast gesteld wesen: Het eerste is dat hy den Raedt soeckt vast to stellen sonder die limitatie, dat haere Commissie soude duuren tot den veertigsten dagh in het aenstaende Parlement: ende den tweeden dat de Electie van een Parlement ten tyde van syn overleden als dan wude ordonneren; maer altyts absolutelyck aen den Raedt werden gedefereert; aen welcke twee puncten veele geloven, dat hy hem soo veel sal laeten gelegen wesen, dat hy niet sal toegeven; eghter hoopen veele dat het nogh sal gevonden werden.' Nieupoort to De Witt, $\frac{\text{Dec. } 29}{\text{Jan. } 8}$, De Witt's *Brieven*, iii. 8. The two ambassadors do not agree as to the points in dispute, but both regard a compromise as possible.

[3] Walker's Newsletter, Dec. 28, *Clarke Papers*, iii. 15. The exact date is given by Bordeaux.

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probable that they hoped that with the prestige of the old title Oliver would be able to shake himself loose from military influence, and would no longer be the object of those suspicions which had induced Parliament to impose on his Government restrictions to which he was hardly likely to submit. In supporting such a scheme Cooper made his last effort to base the Constitution on an understanding with the Protector rather than on an absolute defiance of his wishes.

CHAPTER XXXVII.

A SUMMARY DISSOLUTION.

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Dec. 21. Dallington's information.

WHILST the tension between Parliament and army was becoming every day more strained, information was brought to Thurloe which laid bare the existence of a military plot far more dangerous than the constitutional effusions of the three colonels. A certain Dallington had been landed from the fleet with instructions to discover what support would be given in the country to the seamen's petition.[1] One William Prior, who had been in the forefront of the Levelling movement in 1649, met him some three or four weeks later,[2] and—apparently judging from his employment that he was discontented with the Government—produced from his pocket a declaration on behalf of several in the army that had resolved to stand to their first principles. Prior informed Dallington that this Declaration—which was, if not a copy of the petition of the three colonels, at least drawn up on the same lines[3]—was to be set up in every market-place. In January there would be meetings of the disaffected at various places, such as Marston Moor

A military plot.

[1] Prior to the Protector, *Thurloe*, iii. 146. I suppose that there can be no doubt that 'Oakley's Papers' means the Seamen's petition.

[2] For the time see Eyre's examination. *Ib.* iii. 126.

[3] The account given of it by Prior shows the similarity. It was to be printed and set up in every market-place. The petition of the three colonels was already printed.

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and Salisbury Plain. Though the conspirators could not count with certainty on Hazlerigg, they expected to be supported by Lord Grey of Groby, one of those who had refused to sign the Recognition, as well as by Saunders and Okey. Agents, moreover, had been sent to Ireland and Scotland, and they hoped that many of the soldiers in those countries would join the movement. For further information Prior referred Dallington to Colonel Eyre, an officer who had been cashiered in 1647 for his attempt to stir up mutiny at Corkbush Field.[1] Eyre, however, received Dallington with suspicion, and, though he went so far as to say that 'he had fought for liberty, but had none, and that it was as good living in Turkey as here,' he showed no inclination to disclose his secrets to his interrogator.[2] Eyre himself made his way to Dublin, where he was arrested and sent back a prisoner to England.[3]

Eyre's part in the plot.

Eyre captured in Dublin.

Sept. Temper of the army in Scotland.

So far as the attempt to spread the movement in the army in Scotland was concerned, Dallington's statement was confirmed by information received from another quarter. That army, indeed, had as a whole shown itself inclined to support the Government, and in September Monk was able to report that he could not hear of any voice being raised in it against the exclusion of the members who had refused to take the Recognition.[4] There was, however, one officer holding a high command whose conduct

Major-General Overton.

[1] *Great Civil War*, iv. 22.

[2] Dallington's examination, *Thurloe*, iii. 35. Prior afterwards said (*ib.* iii. 146) that he did not have the Declaration from Eyre, but from an unnamed 'black, fat man in Eyre's chamber.'

[3] Herbert to Thurloe, Jan. 27. Eyre's examination, Jan. 27. *Ib.* iii. 124, 126.

[4] Monk to the Protector, Sept. 28, Firth's *Scotland and the Protectorate*, 192.

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was naturally regarded as open to suspicion. Having done good service in the reduction of Scotland, Major-General Overton had returned in 1653 to his post as Governor of Hull. He approved of the dissolution of the Long Parliament,[1] but felt scruples as to the subsequent establishment of the Protectorate. He had, however, no intention of taking part in a conspiracy, and he travelled to London in search of more active employment. Being admitted by the Protector to an audience, he engaged to inform him if at any time his conscience forbade him to render further service to him, adding that whenever he perceived that his Lordship 'did only design the setting up of himself, and not the good of those nations,' he 'would not set one foot before the other to serve him.' "Thou wert a knave if thou wouldst," was Oliver's frank rejoinder. On these terms Overton was sent back to Hull, and in the latter part of the summer was allowed to take over Morgan's command in the North of Scotland,[2] where he applied himself loyally and energetically to the task of winning over the discontented gentry.[3]

He receives a command in Scotland.

He is in a false position.

For all this Overton was in a thoroughly false position, a position which was inevitably rendered more difficult after the intervention of the Protector in Parliament on September 12. The times were not such that military could be divorced from civil obligation. Overton probably thought little of the fact that before leaving England he had held a conference with Wildman, at which they had confirmed one another in their dislike of the political

Is dissatisfied with the Government.

[1] *More Hearts and Hands*, E, 699, 7.

[2] Overton to a friend, Jan. 27, *Thurloe*, iii. 110. On his arrival in Scotland he used much the same language to Monk. Monk to the Protector, Sept. 28, Firth's *Scotland and the Protectorate*, 192.

[3] *Perf. Account*, E, 818, 21.

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situation.[1] With the exclusion of the members from the House his dissatisfaction seems to have increased. He not only wrote to the London con-

[1] Such jottings by a Minister as Thurloe's Notes on Wildman's plot (*Thurloe*, iii. 147) are of value only inferior to documentary evidence itself. Being put down on paper merely for his own use, and without a view to publication, they show at least what he believes to be true, not what he wishes to be thought to believe true. Unfortunately, these notes are in many places illegible, and in others were misread by the transcribers who prepared them for publication. Mr. Firth has sent me several corrections, and the more important part of the paper may be taken to run as follows, conjectural words or parts of words being added in brackets:—

"That the first meeting was at Mr. Allen's house, a merchant in Birchen Lane, in the beginning of September, 1654. Okey, Alured, Saunders, Hacker, Wildman, Lawson.

"Petition drawn by Wildman and. . . . after Bishop had it, and showed it to Bradshaw.

"Meetings also were, at Blue Boar's Head, in King Street. In Wildman's house, Dolphin Tavern in Tower Street, Derby House.

"Henry Marten, Lord Grey, Captain Bishop, Alexander Popham once, Anthony Pearson sometimes.

"The men they built upon was Sir G. Booth, Bradshaw, Hazlerigg, G. Fenwick, Birch, Her[bert]Morley, Wilmers, Pyne, Scot, Allen. Pearson went like Hazle[rigg] &c. Bishop like Bradshaw, and their advices given by them.

"At the same time a petition from the City, where Bradshaw advised in, and several met at his house, especially one Eyre, Sir Ar[thur] H[azlerigg], Scot, Col. Sankey, Weaver, directed both the bringing on and the manner of p[romoting] it.

"Sankey at Bradshaw's often, where Bishop met him.

"Overton and Wildman spoke together before Overton going of their dislike of things, but no design laid thereon, the [General] of the army of Scotland not let know.

"But after he [went] he writ letters to let them know that there was a party that would stand right for a Commonwealth. Then Br[ayman] sent to them.

"And a meeting of officers at Overton's quarters; Oates much trusted and drew most of their papers.

"The regiments that they relied on: Rich's, Tomlinson's, Okey's, Pride's, Stirling Castle, Alured's, Overton's, some of the General's regiment.

"Begin with a mutiny, and then his person seized and put in Edinburgh Castle, which they were sure of, forced Overton to command. He writ up hither and then declaration ready, which was

spirators, from whom the petition of the three colonels had proceeded, that there was in Scotland 'a party that would stand right for a Commonwealth,' but he allowed disaffected officers to meet in his quarters without breathing to Monk a syllable of what was going on under his patronage. After his letter had been received a Lieutenant Brayman[1] was despatched to Scotland to keep the agitation on foot. On December 18 the discontented officers met at Aberdeen and drew up a circular convening a meeting at Edinburgh on New Year's Day, with the intention, as they said, of considering whether they 'ought to sit down satisfied in the present state of affairs, and with a good conscience look the King of Terrors in the face,' the Most High God having called them forth 'to assert the freedoms of the people in the privileges of Parliament.'[2] Samuel Oates,[3] the chaplain of Pride's regiment, who was one of the signatories of the circular, asserted that nothing had been done without Overton's privity and consent; whilst he also explained that no more was intended to be done than to offer a humble petition to the Protector and Parliament, and that only if Monk's leave had been previously obtained.[4] Overton, at all

Dabbles in conspiracy.

Dec. 18. A meeting at Aberdeen.

A seditious circular prepared.

drawn by the meeting here, and sent by Br[ayman]. . . . and printed here. Spoke as if they should have Berwick.

"Sure of Hull by Overton's means and the townsmen, and Overton's correspondence. Leicestershire, Grey and Capt. Baliard. Bed[fordshire] Okey and Whitehead, and great dependence on Hacker, who at last declared, if any fighting for a Parliament, not meddle against them."

The remainder is concerned with movements in England. It is much in favour of Thurloe's intention to be fair that he twice in the course of these notes exonerates Overton from the worst charges.

[1] He and Prior were amongst the first agitators in 1647, *Clarke Papers*, i. 79, note.

[2] Circular by Hedworth and others, Dec. 18, *Thurloe*, iii. 29.

[3] Father of the notorious Titus.

[4] "I have done nothing of action without his privity and concession,

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events, contented himself with sending to those engaged in it a warning 'to do everything in God's way,' and to 'acquaint the General herewith, and to do nothing without his consent'; [1] though he himself did not think fit to put pen to paper on the subject in any communication with Monk.[2]

Monk learns what is going on

Monk, who only learnt the truth from one of his own officers[3] to whom the circular had been sent, was hardly likely to take a lenient view of the case, and at once directed his secretary, Clarke, to invite Overton's presence at his own headquarters at Dalkeith. Clarke, who apparently intended to apply to the General for a signed order, neglected either to obtain it or to enclose it, and Overton took advantage of this forgetfulness to refuse to leave his post on a mere informal hint from Clarke. On this Monk at once ordered the arrest of the Major-General and shipped him off for England.[4]

Dec. 19. Monk sends for Overton.

1655. Jan. 4 Overton sent to London.

It is probable that before Monk sent Overton on board he had received from London a copy of Dallington's information, and it did not require a tithe of his sagacity to connect the proposed meeting at Edinburgh on January 1 with Dallington's statement that troops were to enter England from

nor of evil by that. . . . We intended nothing but what was consonant to the ground and end of our wars and the honest declarations we have made and concluded. In fine to offer our service in this matter in a humble petition to the Protector and Parliament by the leave of General Monk, or to lay down and come peaceably home in case he would not have given us leave." Oates to —? *Thurloe*, iii. 241.

[1] Overton to a friend, Jan. 17, *ib.* iii. 110.

[2] Monk to the Protector, Jan. 16; Bramston's examination, Jan. 22, Firth's *Scotland and the Protectorate*, 238, 241.

[3] Major Holms.

[4] Overton to Monk, Dec. 25; Monk to the Protector, Dec. 30, Jan. 4; Overton to a friend, Jan. 27, *Thurloe*, iii. 46, 55, 76, 110.

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Scotland to the support of the conspirators in the course of the same month. By that time, too,[1] Monk had received from one of his officers information that he had received proposals to take part in a design for seizing on the person of the Commander-in-Chief; after which Overton was to have been placed in command of 3,000 foot, with an appropriate number of horse, that he might march into England, where he would be joined by considerable forces brought to him by Bradshaw and Hazlerigg. Lawson, whose name is constantly appearing in connection with plots of this nature, was said to be engaged in the design.[2] As the list of the officers expected to take part in it included the names of Pride and Wilks, devoted adherents of the Protector, it may be taken that the other pieces of information obtained from the same source represent rather the sanguine expectations of a conspirator than the evidence of a trustworthy witness. Thurloe, at least, whilst believing the project to have been really entertained, thought that Overton would have needed to be forced to take the part assigned to him.[3] It was this possibility which made Overton really dangerous. An efficient soldier, so infirm of purpose as to be the plaything of conspirators with whose general objects he sympathised, was scarcely the man to be left at large by a Government which counted those objects disastrous to the national welfare. On the day of his arrival[4] Overton was committed to the Tower, and he remained a prisoner there and elsewhere for more than five years. Possibly the Protector

Discovery of a design to seize Monk and to send Overton to join the English conspirators.

Jan. 16. He is committed to the Tower.

[1] The information is referred to in a letter from Edinburgh of Jan. 4, *Merc. Pol.*, E, 825, 4.

[2] A letter of information, *Thurloe*, iii. 185.

[3] See *supra*, p. 72, note. [4] *The Weekly Intelligencer*, E, 826, 2.

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was not so ready as Thurloe to give him the benefit of the doubt; and it must be acknowledged that, if Overton was no more than foolish, his folly was of that kind which borders closely on crime. His followers or supporters—whichever they are to be called—were brought before a court-martial in Scotland and cashiered.[1]

Feb. His supporters cashiered.

1654. Dec. Royalist movements.

With the stamping out of the military conspiracy in Scotland the danger from the Levellers and Parliamentarians in the army was by no means at an end, especially if they should succeed in making common cause with the English Royalists. Much as the two parties differed from one another, they both agreed in crying out for a free Parliament, and, at all events, the information which reached the Government as to movements among the Levellers was accompanied by information as to movements among the Royalists as well. On December 20, partly, perhaps, as a hint to Parliament, but partly, no doubt, to avert an actual danger, the Tower garrison was raised to 900, and on the 25th it was still further raised to 1,200.[2] Before long cannon were planted in front of Whitehall,[3] whilst every care was taken to secure the devotion of the soldiery which patrolled the streets by prompt payment of their wages.[4] Towards the end of the month suspicions had been aroused by the transport of powder from London into the country.[5] Inquiry into gun-shops showed that orders for muskets and pistols had been

Dec. 20-25. The Tower garrison strengthened.

Transport of powder by Royalists.

[1] *Merc. Pol.*, E, 829, 16; Monk to the Protector, Feb. 17, 20, 27, Firth's *Scotland and the Protectorate*, 251-253.

[2] Warrants to Barkstead, Dec. 20, 25, *Thurloe*, iii. 56, 57.

[3] Pauluzzi to Morosini, Jan. $\frac{6}{16}$, *Venetian Transcripts, R.O*; *Clarke Papers*, iii. 16.

[4] Bordeaux to Mazarin, $\frac{\text{Dec. } 25}{\text{Jan. } 4}$, *French Transcripts, R.O.*

[5] Bordeaux to Brienne, $\frac{\text{Dec. } 28}{\text{Jan. } 7}$, *ib.*

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freely executed of late. On the last day of the year directions were given for the arrest of Sir Henry Littleton, High Sheriff of Worcestershire, and of Sir John Packington, both of them being charged with receiving cases of arms.[1] A few days later Major Norwood, Rowland Thomas, and a merchant named Custice were imprisoned as having been cognisant of this secret traffic, and Walter Vernon, to whose house at Stokeley Park a consignment had been traced, was brought up to London, together with his kinsman, Edward Vernon. Their arrest was followed by that of Nicholas Bagenal, an Anglesea landowner, who acknowledged having received from a Carnarvonshire gentleman named Bayly a commission to raise a regiment of horse; whilst Bayly confessed to having another commission to raise a regiment of foot; both commissions being traced to Colonel Stephens, one of Charles's most trusted agents.[2]

1654 Dec. 31. Orders for the arrest of those concerned.

1655 Four arrests made.

If any expectation was entertained by the Government that the discovery of these dangers would moderate the resolution of the House, that expectation was disappointed. It is possible that the increase of the Tower garrison on December 20 and 25 was taken by the House as a challenge. Parliament on December 28 made an understanding almost impossible by resolving that Bills should pass without the consent of the Protector; 'except in such matters wherein the single person is hereby declared to have a negative.' By this vote the House threw over the compromise accepted on November 15,[3] by which the concurrent action of Protector and Parliament was

1654 Dec. 28. Temper of the House.

[1] Hope to Thurloe, Jan. 5, *Thurloe*, iii. 76. Numerous other papers relating to the charge of moving arms and powder are to be found in the same volume.

[2] *Merc. Pol.*, E, 823, 5; *Thurloe*, iii. 125, 127.

[3] See *supra*, p. 45.

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required in the selection of subjects on which no laws could pass without the assent of the former. The House, which had already grasped at the control of the Executive by subjecting the members of the Council to rejection by itself at the commencement of each Parliament, now resolved to determine at its own pleasure what were points on which it would allow the Protector to throw constitutional impediments in the way of hasty legislation.

1655 Jan. 1. Parliament declares against the new franchise.

On another point not, indeed, directly aimed against the system of the Protectorate, but yet one in which the views of the principal officers were opposed to those of the House, Parliament was no less resolute. On November 27 it had restored the county franchise to the forty-shilling freeholders, whilst leaving it to the new voters who, not being freeholders, were possessed of real or personal property to the value of 200*l.*[1] On January 1 it abolished the new qualification, leaving the old forty-shilling freeholders in unrivalled possession.[2] An attempt to give the vote to 10*l.* copyholders was lost by 65 to 51; another attempt to give it to 20*l.* copyholders was lost only by the casting vote of the Speaker. That Lenthall's voice should be given against the innovation may perhaps be accounted for by legal conservatism, but the rejection of the 200*l.* voters must surely have been based on wider grounds. Its origin may, at least conjecturally, be traced to the jealousy of town-made fortunes in an assembly mainly consisting of landed proprietors.[3]

[1] As the current rate of interest was 8 per cent., personal property of 200*l.* represented—at least if held in cash—an income of 16*l.*

[2] *C. J.* vii. 391, 392, 410, 411.

[3] This view is supported by a vote taken on Nov. 27 that no 200*l.* voter should give his voice in a county election unless he had also a forty shilling freehold in the county. *Ib.* vii. 392.

At all events, the vote was a defiance to the army, which was particularly attached to the new mode of voting.

Disqualifications extended.

In thus lowering the franchise the House took care to fence it round with qualifications which would keep the voting power not only, as the Instrument had done, out of the hands of Royalists and 'papists,' but should also shut out those immoral and irreligious persons who were detested by the staid Parliamentary puritans. Not only were all in holy orders to be excluded, but all who contravened the Act against atheistical, blasphemous, and execrable opinions derogatory to the honour of God and destructive of human society; all common scoffers or revilers of religion or of its professors, as well as every one who had married a wife of the Popish religion, had trained up his children in it, or had allowed any of his children to marry one of that religion; who denied 'the Scriptures to be the word of God, or the sacraments, prayer, magistracy, and ministry to be the ordinances of God.' Nor was any 'common profaner of the Lord's Day,' nor 'profane swearer nor curser, nor any drunkard or common haunter of taverns or ale-houses,' to find a seat in the House.[1] Such sweeping exclusions, of which the House was to be the sole judge, might easily become the weapons of personal or party jealousy.

1654 Dec. 30. Theauro-John committed.

Not but that there were in circulation opinions wild enough to irritate the soberest advocate of toleration. On December 30 Thomas Taney, a fanatic or madman, who called himself Theauro-John and inhabited a tent he had set up in Lambeth, lighted a bonfire, into which he threw a Bible, a saddle, a sword, and a pistol, telling those who

[1] *C. J.* vii. 410; *Const. Doc.* 436.

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crowded round the exhibition that these were the gods of England. After this he proceeded to the door of Parliament, where he laid about him with a drawn sword. Happily he was arrested before he had done any damage, and was committed to prison by the House.[1]

1655 Jan. 3. The vote on damnable heresies confirmed.

On January 3, when the House took up once more the question of toleration, it was in no temper to relax its requirement that Bills against damnable heresies should become law even if the Protector refused his consent; and, indeed, it was only by a majority of 81 to 75 that the Government party secured the retention of the resolution that these heresies should previously be enumerated at all.[2] Yet the persistence of the House in claiming the exclusive right of enumerating heresies could hardly be taken as absolutely hostile to the Government till the actual enumeration had taken place; whereas on the financial question, which was brought up again on the 5th by an estimate presented by Colonel Birch's Committee,[3] the political discussion was put in such a form that the rudest soldier in the ranks would feel himself capable of forming a judgment upon it.

Jan. 5. The financial question.

Birch's estimate.

According to this report, the army being estimated at 30,000 and the fleet reduced to the Channel Squadron, the total expenditure, including the 200,000*l.* set apart for domestic government, would reach 1,340,000*l.* Birch proposed to reduce that of the private soldier in a cavalry regiment to 2*s.*, and of a foot soldier to 8*d.*,[4] thus bringing the expenditure

[1] *C. J.* vii. 410; *The Weekly Intelligencer*, E, 823, 2.

[2] *C. J.* vii. 412; see *supra*, p. 64.

[3] *Carte MSS.* lxxiv. fol. 108. Probably the report had been made on some former day to the Committee of the whole House, and Birch now brought it forward in the House itself.

[4] In lieu of 2*s.* 6*d.* and 10*d.* Even at the higher rate of 10*d.* the

down to 1,202,000*l.*, a reduction which might be justified on the ground that the pay had been raised in 1649 in consequence of the high rate of provisions in that year, whereas prices had now fallen considerably. Omitting the assessment tax, which he apparently did not intend to renew, he then estimated the revenue at 1,000,000*l.*, and proposed to fill up the deficit, not by re-imposing the assessment in any form, but by re-admitting French wines, which he expected to yield in Customs and Excise[1] 150,000*l.*, and by imposing a new duty on French canvas and linen goods, which he estimated at 60,000*l.* By these means the revenue would be brought up to 1,210,000*l.*, affording a surplus of 8,000*l.* That no element of finality might be wanting he proposed to raise, for eighteen months only, a land tax of 50,000*l.* a month, in order to provide a fund for the discharge of debt, which he calculated to amount to 700,000*l.*, and also to provide 200,000*l.* for the pay of the supernumerary forces before disbandment.[2]

pay of a foot soldier compares disadvantageously with that of a 'bedger and ditcher, whose average pay in these years was 1*s.* a day.' Rogers, *History of Agriculture and Prices*, v. 669. The usual statement that men were attracted into the army by the high rate of pay will not bear examination. The pay was raised by an '*Act for the more certain and constant supply of the soldiers*,' May 12, 1649. B. M. press-mark 506. d. 9, No. 28.

[1] He must have meant this, though he only says 'by free trade in wines.'

[2] The estimate abbreviated from that of Col. Birch is as follows:

Expenditure.	£	*Income.*	£
Navy	270,000	Excise and Customs	840,000
Army	870,000	Irish and Scotch revenue	39,000
Civil government	200,000	Papists and delinquents	60,000
	1,340,000	Other revenues	61,000
Reduction of soldiers' pay	138,000		1,000,000
		Wines	150,000
		Impositions on canvas, &c.	60,000
	1,202,000		1,210,000

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The adoption of Birch's scheme would therefore imply the diminution of the standing army by 27,000 men and the disappearance of all resources wherewith to pay the two fleets which had already sailed under Blake and Penn. For the soldier it meant that his pay would be lowered, and that not far short of half the army would be sent adrift to seek employment as best it might.

With Birch's presentation of the subject the House was much impressed. On the other hand, the Government had every cause for alarm. The estimate of revenue made by its orders on October 3 had reached not 1,210,000*l.*, but 2,250,000*l.*, while their estimated expenditure stood at no less than 2,611,000*l.*[1] In vain Montague, with all the weight of his experience as a Treasury Commissioner, urged that

[1] The abstract in Burton (p. cxx., note) is mutilated, and is, perhaps, wrongly placed under the date of Dec. 18.

In an abbreviated form the revenue on Oct. 3 (*Carte MSS.* lxxiv. fol. 64) was:—

	£
Excise and Customs	800,000
Assessments in the three nations	1,320,000
Post Office	10,000
Probate of wills	8,000
Exchequer and revenue	20,000
Papists and delinquents	70,000
Fines on alienations	20,000
Revenue from Jersey and Guernsey	2,000
	2,250,000

The last entry refers not to taxation, but to the income from confiscated estates.

The expenditure may be estimated at:—

	£
Land forces	1,508,000
Sea forces	903,532
Civil expenditure	200,000
	2,611,532

Of the three items, the civil expenditure was a fixed one; that for the land forces is arrived at by multiplying by 13 the monthly pay given in *Burton*, I. cxxi., note, which is the only entry I have found in which the whole expenditure is given. That for the sea forces is derived from *Carte MSS.* lxxiv. fol. 32.

Birch had underestimated the outgoings, even on his own grounds, by more than 153,000*l.* A vote was then taken for granting to the Protector, not by a clause in the Constitutional Bill, but by a temporary Act, no more than 1,000,000*l.* to meet the whole expenditure, a grant which upon Birch's own showing would undoubtedly be inadequate to the needs of the Government, unless Parliament was prepared to supplement it by some additional supply.[1] The length of time during which this insufficient grant was to continue was reserved for future discussion.[2] CHAP. XXXVII. 1655

It is not without significance that Birch, the prime mover in the financial scheme of the Parliament, whose prominence in what was showing itself to be the crucial question of the hour almost placed him in that informal position of leadership which was all that was attainable in those days, was one of those who had been taken into counsel when the petition of the three colonels was in preparation. Soldier as he had been, he was now the incarnation of the anti-military spirit. Through finance the Protector's schemes of foreign[3] and domestic policy were to be held in check, whilst at the same time his authority would be weakened at home by restricting the numbers of the army and by opposing to it a militia having no dependence on the Government. Birch's position.

The vote of January 5, straitening the financial resources of the Government, followed closely on the other decision, taken on December 28, to leave The parting of the ways.

[1] *Carte MSS.* lxxiv. fol. 113. [2] *C. J.* vii. 413.

[3] The estimate for expenditure of the two fleets of Blake and Penn, only reckoning them to be provisioned to Oct. 1, was 1,022,737*l.*, no doubt including payments already made for stores and equipment. *Thurloe*, iii. 64. Not a penny of this was provided for in Birch's calculations.

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the points on which the Protector might exercise a negative voice to the absolute discretion of Parliament, and on that other vote of January 3 which required that the limits of toleration should be settled by Parliament alone. These three resolutions, taken together, marked the parting of the ways. Oliver was tired of an intolerant Parliament which threatened to make itself supreme, if not directly by constitutional enactments, indirectly by financial proposals. Parliament, on its part, was tired of a Government which, whether it desired it or not, was driven to throw the weight of the sword into the scales of Parliamentary debate. The struggle for the control of the army leapt to the eye as clearly as the struggle for the control of the militia in 1642. Behind the contention lay two constitutional ideas as opposed to one another as those which had divided Royalists and Parliamentarians at the opening of the Civil War. It was significant of the belief prevailing amongst persons in Oliver's confidence, that compromise was no longer possible, that, on the day on which the financial vote was taken, newspapers under the influence of the Government for the first time threw out hints that the five months during which the sitting of Parliament was guaranteed by the Instrument might be calculated not by the calendar, but by the lunar months of the soldiers' pay, and that the session might therefore be brought to an end by January 22, instead of being prolonged to February 3.[1] Scarcely less significant was it

Hints of an early dissolution.

[1] Under the date of Jan. 5, *A Perfect Account* (E, 823, 4) informs its readers that if the Bill on Government be not approved Parliament 'will rise at the time appointed, either at the beginning of February or at the latter end of January.' Under the date of Jan. 6, *Mercurius Politicus* (E, 823, 5) is more explicit. If the Bill be not acceptable 'the time limited in the Almanack account is the 3rd of February

that Cooper absented himself from the Council on January 5—the day on which the financial vote was taken[1]—never again to return so long as the Protectorate lasted. Obviously his abstention must be accounted for by something which had taken place since the day on which, less than a fortnight before, he had urged that the crown should be placed on the Protector's head, and it is difficult to account for his conduct on any other ground than his conviction that the Government could no longer hope to rest on any foundation save that of the army.

On the other hand, it does not follow that Cooper accepted with pleasure all the decisions of the House, and it is at least not unlikely that the hand of the statesman who was afterwards likened to that Achitophel whose counsel was as the counsel of God, may be traced in a concession made by the House on the 12th, when it retraced its steps on the religious question by a vote that the 'damnable heresies' to be exempted from toleration should be enumerated not, as it had hitherto stubbornly maintained, by Parliament alone, but by Parliament in conjunction with the Protector.[2] The House, however, still claimed the sole right of legislating against atheism, blasphemy, popery, prelacy, licentiousness and profaneness, and against those who openly attacked by speech or print the doctrines set forth as the public profession.[3] On the 15th it gave an example

Jan. 12. 'Damnable heresies' to be enumerated by Protector and Parliament.

next, or, by the month, the 20th of January instant.' The day is given in error for the 22nd, but the intention of the writer is obvious.

[1] Cooper's last appearance was on Dec. 28, but the Council did not sit after that date till Jan. 5, so that the latter day is the one of Cooper's disappearance.

[2] *C. J.* vii. 414.

[3] *Ib.* vii. 416. The 37th Clause of the Instrument was:—"That such as profess faith in God by Jesus Christ—though differing in judgment from the doctrine, worship, or discipline publicly held

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Jan. 15. A Committee to prepare a charge against Biddle.

of its views on blasphemy by appointing a committee to prepare a charge against Biddle for having promulgated not merely ordinary Socinianism, but such opinions as 'that God hath a bodily shape,' with a left hand and a right, and is not devoid of passions, being neither omniscient nor immutable. If only the House abstained from inflicting savage and inhuman penalties, there was nothing in this of which Oliver could seriously complain.[1] It is, indeed, undeniable that his point of view was very different from that of the Parliamentary majority, and that whilst his mind was fixed on including as many as possible within the limits of toleration, they were thinking of making the exemptions as numerous

Oliver's position on the toleration question.

forth—shall not be restrained from, but shall be protected in, the profession of the faith and exercise of their religion; so as they abuse not this liberty to the civil liberty of others and to the actual disturbance of the public peace on their parts; provided this liberty be not extended to Popery or prelacy, nor to such as, under the profession of Christ, hold forth and practice licentiousness." The 23rd chapter of the Parliamentary constitution was:—"That without the consent of the Lord Protector and Parliament no law or statute be made for the restraining of such tender consciences as shall differ in doctrine, worship, or discipline from the public profession aforesaid, and shall not abuse their liberty to the civil injury of others, or the disturbance of the public peace; provided that such Bills as shall be agreed upon by the Parliament for restraining of damnable heresies, particularly to be enumerated by the Lord Protector and Parliament, and also such Bills as shall be agreed upon by the Parliament for the restraining of atheism, blasphemy, popery, prelacy, licentiousness, and profaneness; or such as shall preach, print, or publicly maintain anything contrary to the fundamental principles of doctrines held within the public profession which shall be agreed upon by the Lord Protector and Parliament, or shall do any overt or public act to the disturbance thereof, shall pass into and become laws within twenty days after their presentation to the Lord Protector, although he shall not give his consent thereunto." *Const. Doc. of the Puritan Revolution*, 324, 367.

[1] "As for profane persons," Oliver said in the speech in which he dissolved Parliament, "blasphemers, such as preach sedition, the contentious railers, evil-speakers who seek by evil words to corrupt good manners, persons of loose conversation—punishment from the civil magistrate ought to meet with them." *Carlyle*, Speech IV.

as possible. Yet, after all, considering how rapid progress in this direction had been, and how little public opinion was prepared to support a policy of extensive toleration, it may fairly be argued that the Protector would have shown his prudence in accepting the compromise. Nor is it by any means impossible that he would have done so if other questions had been settled to his mind.

The fundamental concerning the Militia

Whether Oliver's third fundamental was sufficiently secured or not was a matter on which it was possible honestly to differ in opinion. The problem of the militia remained still unsolved, and the problem of the militia lay at the foundation of all others.

The Parliamentary view.

The immediate danger was not to be found in the predominance of Protector over Parliament, or of Parliament over Protector, but in the claim of the army to intervene in political affairs. This claim was no matter of past history. The very army which had dissolved the Long Parliament, and had more recently dictated the Constitution under which Englishmen were then living, was at that very moment swaying at its pleasure the fortunes of the nation. It was no Parliamentary vote, it was a vote in the Council of Officers, which had strengthened the arm of the Protector in dealing with the three colonels and in weeding out the Levellers from military command. It was the army which had given Oliver confidence to insist on an extension of toleration which was unpalatable to the men sitting upon the benches at Westminster. On paper that army was the servant of Protector and Parliament. In reality it was the master of both.

Parliamentary strategy.

To the Parliamentary majority this state of things was unendurable. Is it strange that the only remedy that commended itself to their minds was an

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extension of their own authority? Having already secured a Council responsible to themselves, they proceeded, so far as mere voting could avail them, to secure an army which they could control. Yet, with a skill which points to much ability of leadership, they not only refrained from any rash demand, but went to their uttermost tether in conceding everything not inconsistent with their main design. On the 15th a combination between the Court party and the more moderate members of the Opposition[1] raised the grant to the Protector by 100,000*l.*, giving him, in addition to the 200,000*l.* assigned for domestic government, 400,000*l.* for the navy and for the fortifications needed for the safety of the country, both of which sums were to be annually paid until Protector and Parliament agreed to dispense with them. On the following day 700,000*l.* was voted to be expended on the army, and though the Opposition urged that this grant should terminate on December 25, 1656, at the expiration of somewhat less than two years, the same coalition rejected the proposal, and extended the term to December 25, 1659, thus giving the Protector nearly five years of uninterrupted disposal of the forces.[2]

Jan. 15. A coalition carries an increased grant to the Protector.

Jan. 16. Provisions for the army.

Emboldened by success, the Court party audaciously proposed that if the Protector refused his consent to the new Constitution the Instrument should remain in force. The coalition formed on the previous day was at once dissolved and the Opposition easily recovered its majority. The House

The coalition breaks up.

[1] Birch and Worsley acted as tellers. The motion was carried by 121 to 84. This number, 205 in all, was higher than any that had appeared since the enforcement of the Recognition on Sept. 12, showing that fresh members came in when there was a chance of an agreement.

[2] *C. J.* vii. 417, 418.

also rejected a proposal that the Constitutional Bill required the Protector's consent to give it validity, and another proposal that the Protector was to hold the command of the militia on the same terms as he held the command of the army. On the 17th, however, it recoiled from the former of these two decisions, voting that without an agreement with the Protector the Bill should be void and of none effect; though, with a curious verbal prudery, it refused to admit that under these circumstances it ought not to be, in part or in whole, made use of as a law.[1] In the course of the debate Oliver's supporters had pleaded hard that the Bill, instead of being engrossed for presentation to the Protector, and therefore offered to him for acceptance or rejection as a whole, might first be subjected to a friendly discussion between him and some Committee representing the House, when the objections on either side might be taken into consideration.[2]

Jan. 17. An agreement with the Protector necessary to the passing of the Bill.

After the rejection of this proposal no hope of an understanding remained. Step by step Parliament had come round to the position held, if not by Bradshaw and Hazlerigg, at least by Hale[3] before the exclusion of the members. Parliament was not merely to hold the members of the Council responsible to itself, but was to keep the militia in its own hands, and to grant supplies for the standing army for no more than a specified time. Moreover, whatever limitations were placed on its power, its own supreme authority in imposing them must be so unquestioned that a mere attempt to arrive at a

No more hope of an understanding.

[1] *C. J.* vii. 418, 419.

[2] Bordeaux to Mazarin, Jan. $\frac{1}{8}$, *French Transcripts, R.O.*; Pauluzzi to Morosini, Jan. $\frac{3}{13}$, *Venetian Transcripts, R.O.*

[3] See p. 23.

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friendly understanding with the Protector must be avoided. About the disbandment of nearly half the existing army there was to be no further question. On the 18th a Committee was appointed to consider 'what moneys will be necessary for paying off the supernumerary forces, over and above the 30,000, until they be disbanded, and for their disbanding; and how moneys may be provided for the satisfaction and payment thereof,'[1] and on the 20th Parliament added to their Bill a final proviso declaring that 'whereas the militia of this Commonwealth ought not to be raised, formed and made use of but by common consent of the people assembled in Parliament, be it therefore enacted that the said militia, consisting of trained forces, shall be settled as the Lord Protector and Parliament shall hereafter agree, in order to the peace and safety of the Commonwealth, and not otherwise.'[2]

Jan. 18. A Committee of disbandment.

Jan. 20. The militia to be controlled by Parliament.

Effect of this proviso.

The proviso thus added to the Bill, though to all seeming indifferently framed, was in reality altogether favourable to the pretensions of the House. If no single militiaman could be raised without its consent, the Protector would hardly be able to override its views when the question of the control of the force thus raised came up for settlement. Before the afternoon had passed the failure of the Court party to carry another proviso, 'that no future Lord Protector should consent to take away the negatives hereby declared to be in the Lord Protector,' only served to mark the tendencies now inherent in the Bill. The negatives, it appeared, were no bonds to bind permanently the Parliamentary Samson. They were but temporary concessions, which would be at the mercy of Parliament as soon as

[1] *C. J.* vii. 419. [2] *Ib.* vii. 420, 421.

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the five years for which supplies had been granted for the maintenance of the standing army had elapsed.

Cause of the Protector's hostility.

After this the Protector was not likely to agree to the prolongation of the sittings of the House an hour longer than was warranted by the strictest interpretation of the Instrument. However much he may have objected to some of the provisions of the new Constitution, such as the responsibility of the Councillors to Parliament, and the possible election of his successors by Parliament, it is almost incredible that he should have broken with the House on such grounds alone.[1] It was only when Parliament insisted on using its financial control to place the armed force of the nation at its own disposal that he refused submission to what appeared to him an intolerable yoke.

The aims of the Parliamentary opposition.

To those who now resisted the Protector must be ascribed the merit of having fixed their eyes upon the one thing absolutely essential—the transference of the military into the civil State. Yet it may fairly be doubted whether they were themselves entitled to stand forth as champions of this principle. The civil State, if it is to be an object of desire, must

[1] Bordeaux's testimony may be quoted against the view that the quarrel arose on merely constitutional points. Writing after the dissolution, he says that 'il ne paroist point d'autre motif de ceste action que la réduction de l'armée, quoyque conforme à l'instrument de l'armée, et le refus qu'avoit fait le Parlement d'entrer en conférence devant que de grossoyer et rédiger en forme de loy son Acte concernant la forme du gouvernement de l'Angleterre.' Bordeaux to Mazarin, $\frac{\text{Jan. } 25}{\text{Feb. } 4}$, *French Transcripts, R.O.* It may be well also to clear up an error made at the time, as well as by modern writers, that unless the House had been dissolved the Bill would have become law within twenty days, even if the Protector had withheld his consent. Not only was it excepted from this rule by the Instrument itself, as containing matter contrary to that Constitution, but even in the Parliamentary Bill there was a clause declaring it to be null and void unless it received the Protector's assent.

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not be another name for the uncontrolled absolutism of any single man or body of men standing apart from the nation itself. "What signified," Oliver had said,[1] "a provision against perpetuating Parliaments if this power of the militia be solely in them? Whether, without a check, Parliament have not liberty to alter the frame of government to democracy, to aristocracy, to anarchy, to anything, if this be fully in them—yea, into all confusion, and this without remedy? And if this one thing be placed in one, that one, be it Parliament, be it supreme governor, they or he hath power to make what they please of all the rest." It was precisely the remedy for this evil that Parliament failed to provide. Posterity was to find one in the power of dissolution, by which the Government could appeal to the nation, or to what, for the time being, passed as the nation. In 1655 neither Protector nor Parliament was willing to accept the supreme verdict of that umpire. The Protector erected barriers against the popular will by the imposition of a fixed Constitution. Parliament erected them by the imposition of stringent disqualifications. By both an appeal to the free decision of the nation was regarded as beyond the pale of sane politics. Therefore it was that to neither party in the strife was it given to establish that civil State to which each was, with very real earnestness, devoted.

Difficulty in sharing the control of the army.

Great as was the difficulty in coming to an understanding, in consequence of the hopelessness of discovering a court of appeal to which the two parties would be willing to submit their claims, there were even greater difficulties inherent in the subject-matter

[1] *Carlyle*, Speech III. I quote from the contemporary report, E, 812, 11, p. 32, without Carlyle's embellishments.

of the dispute. No one could be more explicit than Oliver in repudiating all desire of placing the control of the army in the hands of the Protector. He had repeatedly declared his view to be that it should in some way be shared between Protector and Parliament. Yet, excellent as his intentions were, he had never been able, and, we may safely say, never would have been able, to design any form of words which would carry them out in practice. By the very nature of things no laws can provide that an armed force shall be under the control of two constitutional bodies, so long as they are striving for the mastery. The device of accepting the orders of the king, signified by both Houses of Parliament, had not prevented the forces under Essex from being a purely Parliamentary army. Nor was it, in later and happier times, the mere wording of the Mutiny Act which prevented the army of the eighteenth century from deciding civil conflicts with the sword. Two reasons have combined to render our modern army innocuous to liberty. In the first place, since the Revolution of 1688 our civil quarrels have never been sufficiently embittered to make our political parties desire an appeal to the arbitrament of the sword. In the second place, the army itself has been too homogeneous with the nation to have formed the wish to impose upon it a system of government other than that before which the nation itself willingly bowed. It was because both these conditions were wanting to the Protectorate that the task of healing and settling, to which Oliver from time to time so wistfully referred, was hopeless from the beginning.

Oliver's letter to Wilks.

There is no reason to suppose that Oliver grasped the whole of the insuperable problem. What was immediately before him he saw, and, seeing it, he

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prepared with a sad heart to face the inevitable conflict. "Truly," he wrote in answer to some friendly lines addressed to him by Colonel Wilks, "it was to me very seasonable, because, if I mistake not, my exercise of that little faith and patience I have was never greater; and, were it not that I know Whom I have believed, the comforts of all my friends would not support me, no, not one day. I can say this further to you, that if I looked for anything of help from men, or yet of kindness, it would be from such as fear the Lord, for whom I have been ready to lay down my life, and I hope still am, but I have not a few wounds from them; nor are they, indeed, in this sad dispensation they are under—being divided in opinion and too much in affection ready to fall foul upon one another, whilst the enemy, to be sure, unite to good purpose to their common destruction—in a capacity to receive much good or to minister good one to another, through want of communion in love; so that whosoever labours to walk with an even foot between the several interests of the people of God for healing and accommodating their differences is sure to have reproaches and anger from some of all sorts. And truly this is much of my portion at the present, so unwilling are men to be healed and atoned; and although it be thus with me, yet the Lord will not let it be always so. If I have innocence and integrity, the Lord hath mercy and truth, and will own it. If in these things I have made myself my aim, and desired to bring affairs to this issue for myself,[1] the Lord is engaged to disown me, but if the work be the Lord's, and that they are His purposes which He hath purposed in His own

[1] Perhaps he was thinking of Overton's language to him at their parting.

wisdom, He will make His own counsels stand; and therefore let men take heed lest they be found fighters against Him, especially His own people." "The Cavalier party," he continued, "is so encouraged that they do account this spirit, principle and motions of these men as the likeliest way to bring them into their former interest that ever yet they had; and of this we have a very full discovery."[1] CHAP. XXXVII. 1655

Obviously Oliver had failed to discern that this extraordinary phenomenon was to be explained not by the sinfulness of mankind, but by a common detestation of a Government based on the power of the sword. In any case his patience was rapidly becoming exhausted. When January 22 brought to an end the five lunar months by which he had decided to measure the span of the duration of Parliament, he once more summoned the members before him in the Painted Chamber. His failure to grasp the situation as a whole renders the speech which he then delivered far less interesting than the one which he had addressed to the same House on September 12. Announcing his belief that the Protectorate was the outcome of the dispensations of God, he declared it to have been his hope that, after the signature of the Recognition, they would have left the Instrument as they found it, and have betaken themselves to useful legislation. Then he proceeded to complain as to the ignorance in which he had been left as to the proceedings of the House. "I do not know," he said, "whether you have been alive or dead.

Insufficiency of its reasoning.

Jan. 22. Five lunar months at an end.

The Protector's speech.

[1] The Protector to Wilks, *Clarke Papers*, ii. 239. The letter is undated, but Mr. Firth informs me that 'from its position amongst the other letters it should be dated between 14 and 18 January.' Internal evidence points in the same direction. A breach is looked forward to as certain, but, if it had actually taken place there could hardly fail to have been some indication of the fact in the letter.

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I have not once heard from you all this time—I have not, and that you all know."[1]

From the refusal of Parliament to discuss the terms of the Bill with himself Oliver passed to the conspiracies which had sprung up during the session, the blame of which he threw entirely on the members. "Dissettlement and division," he told his hearers, "discontent and dissatisfaction—together with real dangers to the whole—have been more multiplied within these five months of your sitting than in some years before! Foundations have also been laid for the future renewing of the troubles of these nations by all the enemies of them abroad and at home. . . . I say the enemies of the peace of these nations abroad and at home—the discontented humours of these nations, which I think no man will grudge to call by that name of briars and thorns—they have nourished themselves under your shadow." "I say unto you," he continued later on, "whilst you have been in the midst of these transactions that party, that Cavalier party . . . have been designing and preparing to put this nation in blood again. . . . They have been making great preparations of arms and, I do believe, it will be made evident to you that they have raked out many thousands of arms, even all that this city could afford, for divers months now past. . . . Banks of money have been framing for these and other such-like uses; letters have been issued with Privy Seal to as great persons as most are in the nation for the advance of moneys, which

[1] This complaint was not strictly true, as he had received information from a Committee about the reduction of the army and other matters; but the Protector seems to have been exclusively thinking about the refusal to enter into a discussion with him on the Constitutional Bill.

have been discovered to us by the persons themselves; commissions for regiments of horse and foot, and command of castles, have been likewise given from Charles Stuart since your sitting, and what the general insolencies of that party have been the honest people have been sensible of, and can very well testify."

Such evil consequences, continued Oliver, had their root in Parliament itself. "What," he argued, "if I am able to make it appear in fact that some amongst you have run into the City of London to persuade to petitions and addresses to you for reversing your own votes that you have passed.[1] . . . And whether debauching the army of England. . . . and starving it, and putting it upon free quarter, and occasioning and necessitating the greatest part thereof in Scotland to march into England, leaving the remainder thereof to have their throats cut there, and kindling by the rest a fire in our own bosoms, were for the advantage of our affairs here, let the world judge."[2] Then, adverting to the little care of the House to give 'just liberty to godly men of different

[1] As might be expected, we have to depend on the Protector's own word for many of the charges he makes. It is, therefore, worth noting that the statement above would have been inexplicable but for the notice of a city petition for settling the Church, contained in one of the unpublished papers amongst the *Thurloe MSS.* printed by Mr. Firth. See *supra*, pp. 62, 63.

[2] This seems to point to a connection in Oliver's mind between the want of pay in the army in Scotland and the scheme of sending 3,000 men under Overton into England. With respect to the delay of voting supplies, the fact cannot be denied. The further question, whether Parliament held back supplies to assure the confirmation of its constitutional Bill, must be answered by those who have read the narrative above. For my own part, I believe that they intended to vote no supplies till their Bill had been accepted, and also that every member of the House was perfectly aware that the consequence would be—not surrender, but dissolution.

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judgments,' Oliver protested that he had no desire to protect 'profane persons, blasphemers, such as preach sedition, the contentious railers, evil speakers, . . . persons of loose conversation.'

Next, in the midst of an elaborate defence of the Instrument, he put his finger on the real ground of offence. "Although," he declared, "for the present the keeping up and having in his power the militia[1] seems the most hard, yet, if it should be yielded up at such a time as this, when there is as much need to keep this cause by it—which is evidently at this time impugned by all the enemies of it—as there was to get it, what would become of all? Or if it should not be equally placed in him and the Parliament, but yielded up at any time,[2] it determines the power either for doing the good he ought, or hindering Parliaments from perpetuating themselves, or from imposing what religion they please on the consciences of men or what government they please upon the nation, thereby subjecting us to dissettlement in every Parliament, and to the desperate consequences thereof; and if the nation shall happen to fall into a blessed peace, how easily and certainly will their charge be taken off, and their forces disbanded; and then where will the danger be to have the militia thus stated?" It needs no further reading of the speech to understand why Oliver concluded with the words:—"I think myself bound, as in my duty to God, and to the people of these nations, for their safety and good in every respect,—I think it

[1] In this case 'militia' means the whole of the armed forces. Some confusion is caused by the word being sometimes employed in this sense, and sometimes being applied only to the local forces, as distinct from the standing army.

[2] Referring to the determination of the grant of 700,000*l.* at the end of five years.

my duty to tell you that it is not for the profit of these nations, nor for common and public good, for you to continue here any longer, and therefore I do declare unto you that I do dissolve this Parliament."[1]

The Dissolution.

Was there, then, no place for repentance, or was it possible that a few words of mutual explanation might have cleared the air? Such questionings, in truth, spring but from an idle fancy. It was no variance on details that separated Protector and Parliament. The disruption did not even spring from the claim of either party to the dispute to wield the sword for its own benefit. It arose rather from the resolution of both sides that the sword should not fall into the adverse possession of the other. On each side—on the Protector's as well as on the Parliament's—there was a statesmanlike perception of a danger to the Constitution from the victory of the other. Nor was the dispute one between military government and constitutional government. Army and Parliament were at one in desiring that the government should be constitutional, and not military. Dependent as he was on the army for support, Oliver carried the army with him in his constitutional views, and did not fall a victim to its insistence. Lambert was, no doubt, more ready than the Protector to draw a hard-and-fast line against the encroachments of Parliament, but in the main position assumed by the two men there was no difference between them.

The root of the misunderstanding.

Nor can it be said that the quarrel was one to be appeased by the exercise of greater wisdom and moderation on either side. Just as the strife between the King and Parliament in 1642 was not susceptible

The quarrel not susceptible of appeasement.

[1] *His Highness's Speech*, E, 826, 22; also in *Carlyle*, Speech IV., with alterations. The Parliamentary Constitution is printed as a whole in *Constitutional Documents*.

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of arbitration till time and circumstances had spread abroad the perception of the virtue of toleration, so, too, the strife between the Protector and Parliament in 1655 was not susceptible of arbitration till time and circumstances had spread abroad the perception that adoption or acceptance by the nation itself is the only lasting test of the value of constitutional checks. The claim of the House to sovereignty expressed in terms of finance rested on the totally false assumption that it could justly qualify itself as 'the people assembled in Parliament.'[1] What Oliver, on the other hand, demanded was to hold posterity in mortmain. Special powers for a special crisis Parliament was willing to grant, and the extent of these might have been settled without difficulty at a friendly conference. Oliver, with a strong man's pertinacity, was resolved to raise barriers against the encroachments of Parliament not only for his own lifetime, but during that of his successors. Never till death put an end to his strivings did he relinquish that ground.

Oliver no opportunist.

To speak of Oliver as an opportunist changing his political attitude from year to year, if not from day to day, is to misjudge his character. In truth he was the heir and successor of Strafford—like Strafford throwing himself open to the charge of apostasy, and like Strafford shifting his instruments and his political combinations for the sake of the people, whom he aimed at governing for their best advantage. To him kingship, or Parliamentary authority, or the very Protectorate itself, were all one, if they conduced to that blessed end. That democracy would conduce to it was beyond the pale not only of Oliver's conceptions, but outside the region of thought of every

[1] See p. 90.

politician of the day, with the exception of the Levellers. Always it had been authority which he sought to found—it had been, during his past career, but a secondary question in whose hands authority should be placed. That was to be determined by the disqualifications of existing claimants rather than by the ideal excellence of the one to whom he had for the moment attached himself. The faults of the King threw him on the side of Parliament; the faults of Parliament drove him to seek a solution of political difficulties in a violent dissolution. In erecting the Nominated Parliament he had been actuated mainly by his distrust of an assembly which threatened to perpetuate itself; his experience of the conduct of the Nominees opened his eyes more widely than before to the fact that an uncontrolled House might be dangerous even if its duration were limited in point of time. Henceforth, indifferent as he was, and continued to be, to constitutional details, he had made up his mind that good government—the first object of which was to protect religious minorities willing to submit to the existing authority in the State—was inconsistent with Parliamentary omnipotence.

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Unfortunately, to check the Parliamentary assumption of omnipotence, save by the intervention of the sword, was beyond Oliver's power. Strong as was his desire to defend the Protectorate by laws rather than by arms, military despotism was thrust upon him. It could not well be otherwise, unless he were prepared to acknowledge the sovereignty of the nation over Protector and Parliament alike, and to allow the nation, if it so pleased, to plant its heel on the newly won liberties of 'the people of God. To choose this path would be to anticipate the policy

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of William III., and it would be unreasonable to expect the child of a military revolution to be able to adopt a course which proved comparatively easy to a crowned king, placed on the throne by the call of a wronged and indignant nation.

The Royal title.

Some inkling of this had been at the bottom of Garland's proposal to confer the title of king upon Oliver under the new Constitution. That a mere change of name would have effected the purpose desired is most improbable. There is nothing to work miracles in the adoption of a style which has been appropriately used by others. What the nation sought restlessly for was such a recurrence to old use and wont as might enable it to consider reforms on their own merits, without the risk of being dashed violently out of its course by unsuspected currents. Oliver had destroyed, so far as acts can destroy, the superstition of a monarchy unaccountable for its deeds. He was not, nor could he be, in a position to build up the frame of the monarchy of the future—the monarchy strong in influence, because reflective of the mind and will of the nation as a whole.

CHAPTER XXXVIII.

A MOTLEY OPPOSITION.

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An attempt at constitutional government.

OLIVER lost no time in announcing to the world by actions rather than by words that, if his Government was not to be Parliamentary, it was to be—at least within the limits of practical politics—constitutional. The very postponement of the dissolution till the lapse of five months—lunar months though they were—showed this to be his aim; and his position was made still more clear when, on February 8, he announced that the assessment would thenceforward be levied at the reduced rate which had been accepted by Parliament, that is to say, at 60,000*l.* a month from England, in lieu of the 90,000*l.* which had hitherto been received, and at 10,000*l.* a-piece from Scotland and Ireland.[1] To the same resolution must be attributed—what was at least a verbal homage to the Instrument—his abstention from issuing notifications of his will under the title of ordinances, thus avoiding the appearance of an assumption of legislative power to which he had no further claim after the day on which his first Parliament met.[2]

Feb. 8. The assessment lowered.

Oliver abstains from issuing ordinances.

The reduction of the assessment was the more

[1] *Order for the Assessment*, Feb. 8, E, 1064, No. 47.

[2] "His Highness, by not making it an ordinance, hath modestly denied to assume the legislature of the nation; though satisfied by many able judges and lawyers he may legally do it." —? to Clarke, Feb. 13, *Clarke Papers*, iii. 22.

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remarkable as, whilst showing a deference, not indeed to the Instrument, but to a mere resolution of the dissolved Parliament, the Government thereby became involved in a hopeless deficit, unless both army and navy were reduced far below the requirements of the time. It was not in the power of any man forthwith to recall Blake from the Mediterranean or Penn from the Indies, whither he had already sailed in December. Yet it was impossible to maintain their two fleets without an annual expenditure of at least 461,000*l.*,[1] not a penny of which could be derived from any existing source of revenue. Nor was it possible, so long as the country was seething with sedition, suddenly to bring down the numbers of the army from 57,000 to 30,000. Yet, if none of these things were done, a deficit of 721,000*l.* was the lowest that would have to be faced.[2] All that for the present could be accomplished was, whilst meeting declared opposition with firmness and decision, to disarm, by wise and just administration, the unpopularity which lay beneath the surface. In such a process it was hardly likely that the Protector could always keep within the limits of the law. He himself could hardly expect more than to avoid breaking out from those limits in cases where the observance of the law did not clash with his self-imposed duty of maintaining that Instrument of Government which he had bound himself to defend. Yet even those who accept this explanation of the

The financial situation.

Law and constitution.

[1] According to an estimate made on Oct. 3, 1654, the expense of Blake's fleet would be 19,170*l.*, and that of Penn's 19,260*l.*, for a lunar month, *Carte MSS.* lxxiv. fol. 32. The annual expense of the two fleets would, therefore, be 461,160*l.* This estimate must be exclusive of the money already paid for stores and equipment. See *supra*, p. 83, note 3.

[2] Deducting 360,000*l.* for the remission on the assessment from the estimate given at p. 82, note 1, we have a revenue of 1,890,000*l.* to meet an estimated expenditure of 2,611,532*l.*, entailing a deficit of 721,532*l.*

Protector's conduct as satisfactory can hardly deny that his action was fraught with peril. It was of the necessity of the case that the determination of the points on which the Constitution could only be defended by breaking the law should rest with the executive body—the Protector and Council—and not with the judges, if only because judges could not be trusted to advise the breach of the law in any case whatever. The position, therefore, was one temporarily defensible, at least from a political point of view, but it was one that would tend to prolong itself beyond the time during which it could be defended. It is certain that Oliver, above all men, would have welcomed the day when he could return to the fields of strict legality; but, unhappily for the cause which he had so much at heart, he was likely to discover in practice the extreme difficulty of stiffening once more the legal rule which he had made flexible, even for the highest purposes.

Question of the extent of toleration.

Next to carrying conviction to the people at large that he had no purpose of increasing taxation, or even of maintaining it at its existing level, the Protector had most to gain by convincing them, so far as it was possible without violating his own principle of religious liberty, that he had no intention of casting his shield over those exorbitances of fanatical religion which had driven even men like Owen to urge that the time had come to narrow the limits of toleration. Following out the announcement made in his last speech, that he had no desire to protect extremists,[1] he now, though making no attempt to enumerate 'damnable heresies,' left Theauro-John and Biddle to the Court of Upper Bench, with the result that they

Cases of Theauro-John and Biddle,

[1] See *supra*, p. 98.

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were both admitted to bail and ultimately restored to liberty.[1] Nor did the Government interfere to decide the knotty point whether the so-styled 'Quakers'—and it must be remembered that the appellation was in those days conferred on many who were only loosely connected, or not connected at all, with the Society of Friends[2]—were guilty of blasphemy or not. That the popular view was against these enthusiasts is, to some extent, shown by the fact that justices of the peace almost invariably held them to be blasphemers, whilst the judges of the higher courts sometimes lent a favourable ear to their protestations.[3] Nor could there be much interference with the due process of law in favour of men who spoke rudely to magistrates and kept on their hats in the presence of those before whom it was customary to remove them; still less when a more than usually unrestrained fanatic stripped himself to the skin, and walked about Smithfield in defiance of common decency.[4]

They disturb congregations.

On one point especially Oliver's intervention was urgently demanded. Not only did the 'Quakers' scandalise the clergy by refusing, as Baxter put it, to 'have the Scriptures called the word of God,' but

[1] *Merc. Pol.*, E, 826, 23; *Several Proceedings*, E, 479, 24.

[2] The list of doctrines ascribed to the 'Quakers' by Bunyan, in his *Grace Abounding*, would show this, even if there were not other evidence.

[3] Chief Baron Wilde, for instance, refused to accept a verdict of guilty against a 'Quaker' under the Blasphemy Act. *Truth's Testimony*, E, 829, 8.

[4] *The Faithful Scout*, E, 481, 17. The story is told also by Nieupoort (*Add. MSS.* 17,677 W, fol. 40), as one of which he was credibly informed. A leading member of the Society, Richard Farnworth, in a pamphlet written in February on a very different subject, added before its issue on March 1 a postscript in defence of any person caused by the Lord to go naked as a sign, which he would hardly have done unless such a case had actually occurred. *The Pure Language*, E, 829, 5.

they railed at ministers 'as hirelings, deceivers, and false prophets,' bursting into congregations, and directing against the occupant of the pulpit such exclamations as "Come down, thou deceiver, thou hireling, thou dog!"[1] After this it was a little thing that they proceeded to argue with the preacher or criticised his right to occupy the position he filled. By the magistrates such acts were qualified as brawling, whilst they were defended by the intruders themselves as asserting the right of all religious persons to contribute to the edification of the assemblage. The Protector was within his rights in announcing his intention of enforcing the law as it was interpreted by legal authority, but it was not in his nature to touch even the apparent fringe of religious liberty without placing on record his conviction that religious liberty itself, so far as he understood it, was in no danger in his hands.

The Protector resolves to enforce the law.

Accordingly, on February 15 a proclamation appeared which may justly be regarded as the charter of religious freedom under the Protectorate. "It having pleased the Lord," it characteristically began, "by the manifest mercies and deliverances which He hath wrought in and for these nations of late years, and the blessings wherewith He hath blessed the endeavours of the good people thereof, in making them successful against His and their enemies, to crown us with this, as not the least token of His favour and goodwill to us, that there is a free and uninterrupted passage of the Gospel running through the midst of us, and liberty for all to hold forth and profess with sobriety their light and knowledge therein, according as the Lord in His rich grace and wisdom hath dispensed to every man, and

Feb. 15. A proclamation on religious liberty,

[1] *Reliquiæ Baxterianæ*, 77, 116.

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with the same freedom to practise and exercise the faith of the Gospel, and to lead quiet and peaceable lives in all godliness and honesty, without any interruption from the powers God hath set over this Commonwealth; nay, with all just and due encouragement thereto, and protection in so doing by the same: a mercy that is the price of much blood, and till of late years denied to this nation, as at this day it continues to be to most of the nations round about us, and which all that fear God amongst us ought duly to consider and be thankful for in this day wherein God hath so graciously visited and redeemed His people:—his Highness, as he reckons it a duty incumbent on him, and shall take all possible care to preserve and continue this freedom and liberty to all persons in this Commonwealth fearing God, though of differing judgments, by protecting them in the sober and quiet exercise and profession of religion and the sincere worship of God, against all such who shall, by imposing upon the consciences of their brethren, or offering violence to their persons, or any other way seek to hinder them therein; so likewise doth he hold himself equally obliged to take care that on no pretence whatsoever such freedom given should be extended by any beyond those bounds which the royal law of love and Christian moderation have set us in our walking one towards another; or that thereby occasion should be taken by any to abuse this liberty to the disturbance or disquiet of any of their brethren in the same free exercise of their faith and worship which himself enjoys of his own. And his Highness cannot but sadly lament the woful distemper that is fallen upon the spirits of many professing religion and the fear of God in these days, who . . . do openly and

and against disturbing congregations.

avowedly, by rude and unchristian practices, disturb both the private and public meetings for preaching the word, and other religious exercises, and vilify, oppose, and interrupt the public preachers in their ministry, whereby the liberty of the Gospel, the profession of religion, and the name of God is much dishonoured and abused, and the spirits of all good men much grieved. His Highness, therefore, having information from divers parts of this Commonwealth of such practices by divers men lately risen up under the names of Quakers, Ranters, and others, who do daily both reproach and disturb the assemblies and congregations of Christians in their public and private meetings, and interrupt the preachers in dispensing the word, and others in their worship, contrary to just liberty, and to the disturbance of the public peace, doth hold himself obliged by his trust to declare his dislike of all such practices, as being contrary to the just freedom and liberties of the people, . . . and doth hereby strictly require that they forbear henceforth all such irregular and disorderly practices; and if in contempt hereof any persons shall presume to offend as aforesaid, we shall esteem them disturbers of the civil peace, and shall expect and do require all officers and ministers of justice to proceed against them accordingly."[1]

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It was hard for the Protector to keep his subordinates up to his high ideal. Colonel Hacker, whose own sympathies were with the Presbyterian clergy, had been so far able to assure the Protector of his devotion as to be entrusted with the duty of stamping out sedition in Leicestershire.[2]

Hacker in Leicestershire.

[1] *Proclamation*, Feb. 15, B. M. press-mark, 669, f. 19, No. 71.

[2] Hacker, who had attended, at least at the outset, the meetings which produced the petition of the three Colonels, perhaps approved of urging the Protector, at the beginning of September, to accept the

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1655 Meetings broken up in Leicestershire.

In this capacity he chose to treat 'Quaker' meetings as dangerous to the State, arresting many persons who took part in them, and sending some of them to Whitehall for judgment.[1] Amongst those carried to London was Fox himself, who, being asked to sign a paper engaging not to take arms against the Government, replied that he was against taking arms in any case whatever. Oliver, who seems to have known little of the 'Friends' except by hostile report, admitted their leader into his presence. Fox at once, after invocating peace upon the House, opened an exhortation to the Protector to 'keep in the fear of God, that he might receive wisdom from Him, that by it he might be directed and order all things under his hand to God's glory.' As soon as Oliver could get in a word he asked the pertinent question why they quarrelled with the ministers. Fox enlarged upon the duty of testifying against those who preached for the sake of filthy lucre. With Fox's spiritual instinct Oliver had a deep sympathy, even if he was unable to concur in its practical application. "Come again to my house," he said, as he dismissed his guest, "for if thou and I were but an hour a day together we should be nearer one to the other. I wish you no more ill than I do to my own soul." Suiting the action to the word, he ordered Fox to be set at liberty, and invited him to dine at the table set for his own attendants. With sturdy

Feb. 26. Fox before the Protector.

Parliamentary system, but disapproved of the more violent opposition in which the movement culminated. This is, however, no more than a conjecture.

[1] Nieupoort, in his despatch of Feb. $\frac{16}{26}$ (*Add. MSS.* 17,677 W, fol. 40), and therefore before the issue of the proclamation, writes of 'Quaker' meetings broken up by order of the Government, and it is quite possible that a dislike of such things led Oliver to consider the question.

independence Fox refused to eat of his bread or drink of his cup.[1] Not only did Fox go out a free man, but he was permitted to address meetings when he would, in London or elsewhere, though they had been closed by order of the Government not many days before.[2]

[1] Fox, in his account of the matter, says that when this was reported to the Protector, he said: "Now I see there is a people risen and come up that I cannot win either with gifts, honours, offices or places; but all other sets and people I can." This is merely hearsay, and the latter part of the sentence is not only unlike any expression of Oliver's, but would be particularly absurd at the moment when he had failed, as will be seen, to win over several persons of other sects and parties.

[2] For the closing, see Nieupoort to the States General, Feb. $\frac{16}{26}$ (*Add. MSS.* 17,677 W, fol. 40). The date of Fox's interview with Cromwell, for which we depend on Fox's *Journal*, is assigned by Dr. Hodgkin (*George Fox*, 108) to the summer of 1654, apparently thinking that the plot referred to as being talked of at the time when Fox was taken was Gerard and Vowel's. Under the date of Feb. 26, however, *Merc. Pol.* (E, 829, 6) tells us that "Divers Quakers have been apprehended as they were roving about the country in Leicestershire, and among them one Fox, a principal leader of that frantic party; they are brought up hither and detained in custody." Moreover, it will be noticed that Oliver's first recorded words referred to the quarrelling with the ministers, which had been so much on his mind in issuing the proclamation of Feb. 15. Besides, Fox writes of Hacker as commanding in Leicestershire, and we have in *Thurloe* (iii. 148) a letter which shows he was in that position on Feb. 12. Moreover, we find Fox complaining of a minister who was an official news-writer—doubtless Henry Walker—that he put in his newspaper a statement that Fox wore ribbons. In *Perfect Proceedings* (E, 481, 9), under the date of Feb. 26, we find: "This afternoon Fox, the great Quaker, who is said to be one of the chief old ringleaders of them, was at Whitehall. He came out of Leicestershire—some say he was sent up from thence—and divers Quakers were at Whitehall following him. It is said that he, two years since, seduced Colonel Fell's wife, who, following him up and down the country, and still is (*sic*) of that gang, and divers others. And I heard a gentlewoman say this day at Whitehall, when he was there, that she heard him boast of his favours, showing bunches of ribbon in the country—about Lancashire—that he had from Colonel Fell's wife and others." As the statements in Fox's *Journal* are for the most part uncorroborated, it is worth while noting points in which they are borne out by contemporary evidence. Fox's complaint of being charged merely with wearing ribbons is now seen not to be the outburst of an ultra-puritanical mind,

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The Fifth Monarchy men.

In dealing with 'Quakers' the Protector had to do with men who were held to be blasphemers, and who were certainly not seldom disturbers of the general peace. The Fifth Monarchy men, whilst equally basing their conduct on religious grounds, directly attacked the existing Government, on the plea that earthly rule ought exclusively to be in the hands of the saints. Though this opinion was not likely to be very widely spread, it was not a time when Oliver could safely allow his authority to be openly challenged; though he can have found but little satisfaction in coercing men whose hearts were, as he believed, on the right side. In December, Simpson, who, together with Feake, had been confined at Windsor since the early days of the Protectorate,[1] broke prison, and reappeared on the 17th and 18th in his old pulpit at Allhallows, where he declaimed against the Triers, alleging their position to be 'absolute anti-Christian,' and declaring 'that he could with as good conscience go to the Pope and his cardinals for their approbation as to them.'[2] Being summoned before the Protector, he discussed the situation with him for the better part of a whole day, telling him, amongst other things, that he had broken his promise to abolish tithes. To this charge Oliver pleaded that he could not remember having given any engagement of the sort, but that, if he had, it was a sufficient excuse that his Council would not allow him to carry it out.[3] Turning to the constitu-

1654 Dec. 17. Simpson's sermon.

Simpson's discussion with the Protector.

but the result of indignation against that charge brought against Mrs. Fell; though the word 'seduced' does not necessarily bear the meaning which it would have at the present day.

[1] See Vol. ii. 304.

[2] —— to Clarke, Dec. 19, *Clarke Papers*, iii. 14.

[3] See Vol. ii. 32, note 2, and 319, note 1. Probably Oliver had promised to commute tithes by an ordinance before Parliament met,

tional question, Simpson reminded the Protector that he had formerly declared for a Commonwealth without king or House of Lords, and argued that by taking on himself his present title he had not only broken his vows, but had incurred the penalties of high treason.[1] "Well said, Simpson!" was the half-amused reply. "Thou art plain indeed; not only to tell me I have broken my vows, but that I am, in plain terms, a traitor." After this Oliver announced his intention not to abandon the position he occupied. "The Government," he said, "I have taken, and will stand to maintain it." The long conversation ended by the Protector's advice to Simpson to be more sober in his speech and conduct. The advice was thrown away. "We came away," wrote one of Simpson's followers who was present during this strange discussion, "very much dissatisfied with his spirit and his words."[2] In this case, at least, Oliver was determined to show that no harshness on his part should contribute to increase the irritation of these irritable Christians, and Simpson was allowed to remain at liberty. A discussion with Feake on the 23rd ended, on the other hand, by his being remanded to confinement at Windsor Castle. It is not unlikely that by this time some rumour that the Fifth Monarchists were engaged in one of the many plots of the day had reached the Protector's ears, as Harrison was re-arrested two days later;

Simpson allowed to remain at liberty.

Dec. 23. Feake sent back to prison.

Dec. 25. Arrest and release of Harrison.

but the Council refused its consent. It can hardly be too often repeated that he was not an absolute ruler.

[1] The Act of March 17, 1649 (*Scobell*, ii. 7), declared that the office of king might not be exercised by any single person, and that it was treason to 'promote any person to the name, stile, dignity, power, prerogative or authority of king.' Simpson would affirm, and Oliver deny, that the authority granted to a Protector by the Instrument was equivalent to that of a king.

[2] B. J. to ——? *Clarke Papers*, ii. pref. xxxiv.–xxxvii.

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though he was immediately released on giving an assurance to the Protector that, however much he disapproved of the existing form of government, he had no intention of conspiring for its overthrow.[1]

John Rogers in prison.

Another Fifth Monarchy preacher, John Rogers, had been in custody at Lambeth for six months for asserting that God would pour forth His vials on 'the worldly powers, the powers of antichrist,' as well as for declaiming against the Protector. "Because," he had said, "he hath oppressed and forsaken the poor, because he hath violently taken away a house which he builded not, surely he shall not feel quietness in his belly; he shall not save of that which he desired. O thou black Whitehall: Fah! Fah! it stinks of the brimstone of Sodom, and the smoke of the bottomless pit. The flying roll of God's curses shall overtake the family of that great thief there; he that robbed us of the benefit of our prayers, of our tears, of our blood—the blood of my poor husband, will the widow say—the blood of my poor father, will the orphan say—the blood of my poor friend, will many say. These shed their blood for the cause of Jesus Christ, and for the interest of His kingdom; but that which they purchased at so dear a rate is taken from us by violence. We are robbed of it, and the cause of Christ is made the cause of a man."[2]

1655 Feb. A demand for the release of Feake and Rogers.

Early in February twelve members of Rogers's congregation appeared before Oliver to ask for the liberation of their own pastor and of Feake, as sufferers for conscience' sake. To this Oliver replied that they suffered for their evil deeds; but he consented to

[1] ——? to Clarke, Dec. 23; *Clarke Papers*, iii. 15; *The Weekly Intelligencer*, E, 821, 13; Nieupoort to the States General, Jan. $\frac{15}{25}$, *Add. MSS.* 17,677 W, fol. 24.

[2] The information is dated May 8, obviously in 1654, but misplaced amongst the papers of 1655. *Thurloe*, iii. 483.

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1655 Feb. 6. Oliver's conference with Rogers

discuss the question with Rogers, in the hope of convincing his advocates that their view of the case was false. The conference was fixed for the 6th, when the Protector maintained his position that attacks on the Government could not be allowed; whilst Rogers stuck to the argument that if he had done wrong he ought to be brought to a lawful trial, and not forced to submit to an absolute or arbitrary power. The charge was too well founded to be otherwise than irritating to the Protector. "Where," he promptly asked, "is an arbitrary or absolute power?" "Is not the long sword such?" was the equally prompt reply. "By what law or power are we put into prison? . . . And is not your power, with the army's, absolute to break up Parliament and do what you will?" The Protector, on the other hand, had the advantage in setting forth the necessity of restraining Presbyterians, Independents, and Baptists from coming to blows. "His work" he said "was to keep all the godly of several judgments in peace"—'He was as a constable' he added 'to part them and keep them in peace.'[1]

Harrison and others support Rogers.

Oliver was no sooner[2] quit of Rogers than he was assailed by Harrison, who sought an interview with him at the head of a party comprising Colonel Rich, Quartermaster-General Courtney, together with Carew, Squib and Clement Ireton[3]—the first two having been members of the Nominated Parliament. As soon as they were admitted to Oliver's presence they urged him to release 'the prisoners of the Lord.' To this the Protector replied 'that if they were the prisoners of the Lord they should soon be

[1] Rogers, *Life and Opinions of a Fifth Monarchy Man*, 173-224.

[2] 'The very same night,' *ib.* 220, marginal note.

[3] 'Mr Ireton,' as given in a marginal note. Clement a younger brother of the general must, almost certainly, be intended.

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set at liberty, but that he was sure there was nobody in England in prison for the Lord's sake or the Gospel's.' He subsequently sent for the four principal persons among them—Harrison, Carew, Courtney and Rich. As, however, they refused to obey either this message or a warrant which followed, and, as information had been received that they had been stirring up resistance to the Government, they were fetched before the Protector and Council on the 16th.[1]

Feb. 16. Harrison, Rich, Carew, and Courtney before the Council.

With one voice the four declared the Government to be anti-Christian and Babylonish, Carew adding that when the Protector dissolved the Nominated Parliament 'he took the crown off from the head of Christ and put it upon his own.' Against such a usurped authority these four concurred in holding it to be lawful to take up arms. Not that they had any sympathy either with the Levellers or with the majority in the late House. Their greatest objection to the Protectorate was 'that it had a Parliament in it, whereby power is derived from the people, whereas all power belongs to Christ.' After this they were asked whether they would 'engage to live peaceably and not disturb the peace of the nation.' On their refusal[2] they were told 'that if they would retire into their own counties and promise not to come forth without leave' no harm should befall them. When even this kindly overture had been rejected the Protector lost all patience. Harrison, he said, 'had not only countenanced those who declaimed publicly against the Government, but had persuaded some of the lawfulness of taking arms against it';

[1] *Merc. Pol.*, E, 828, 7, where the date is given as Feb. 15. Thurloe's 'Friday in the afternoon'—*i.e.* the 16th—is more likely to be accurate.

[2] Harrison in company with his three comrades was less compliant than he had been when he was alone. See *supra*, pp. 113, 114.

Carew had not only joined Harrison in this, but had 'endeavoured to seduce some great officers from their trust'; Rich had opposed the levy of the assessment-tax; whilst Courtney had been in Norfolk persuading the churches to take up arms, and had said in the West that when he was in London he would "find both hands and hearts enough to overthrow this Government." To this charge they made no answer, and were thereupon committed to the custody of the Serjeant-at-Arms. A few days later three of them were despatched to separate prisons, Harrison to Portland, Carew to Pendennis, Courtney to Carisbrooke. Rich was allowed to remain at liberty for some time longer to attend on his dying wife. It was no pleasure to Oliver to deal harshly with men who did but exaggerate his own Puritanism. "I know," wrote Thurloe, "it is a trouble to my Lord Protector to have any one who is a saint in truth to be grieved or unsatisfied with him." Imprisonment had been inflicted on these men, according to the secretary, "in pity to them and some other people who are led by them, as well as for the sake of the nation, that they may not put things into blood and confusion, and be made use of by the Cavaliers and vile Levelling party to destroy and utterly root out all that are good and godly in the land."[1]

Their committal.

Oliver's reluctance to imprison them.

The contemptuous adjective applied by Thurloe to the Levelling party may doubtless be taken as the measure of his apprehension. Not only had the advocates of the sovereignty of a democratic Parliament bonds of union with a not insignificant party in the army itself, but they were able, at least so long

Case of the Levellers.

[1] Thurloe to Monk, Feb.? *Clarke Papers*, ii. 242; —? to Clarke, Feb. 24, *Ib.* iii. 23; Nieupoort to the States General, March $\frac{1}{2}$, *Add. MSS.* 17,677 W, fol. 50.

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as they confined themselves to criticism of the foundations of the existing Government, to attract to themselves Parliamentarians like Bradshaw, who had no aims in the direction of manhood suffrage, and even to find points of harmony with Royalists, who were as anxious to restore a free Parliament at Westminster as to replace the King at Whitehall. Consequently the Government resolved to do its best to arrest the leaders of that party, for which Wildman and Sexby were the leading political agents, whilst Lord Grey of Groby was expected to stand forth as its military head.[1] Of the three, Wildman was seized at a village near Marlborough, by a party of horse under Major Butler on February 10, just as he was dictating a declaration inviting the people to take up arms against 'Oliver Cromwell,'[2] and was carried off for security to Chepstow Castle. Grey was apprehended by Hacker, and though 'much distempered with the gout,' was carried to London, and ultimately lodged as a prisoner in Windsor Castle,[3] where he remained till July, when he was liberated after making due submission.[4] Sexby—of whom it is not uncharitable to suppose that his political antagonism to the Protectorate was quickened into life by his disappointment of the command which had been promised him in Guienne[5]—was more dangerous in consequence of his hold on the still numerous Levellers in the army. For some time he contrived to elude pursuit, but was at last

Feb. 10. Arrest of Wildman,

Feb. 12. and of Grey.

Sexby conceals himself.

[1] For a full account of the movements of these men see Dyer's information, *Thurloe*, vi. 829. As this information was not given till Feb. 27, 165$\frac{7}{8}$, there was doubtless much in it not known to the Government three years earlier.

[2] Butler to the Protector, Feb. 10, *Thurloe*, iii. 147; *Merc. Pol.*, E, 826, 28.

[3] Hacker to the Protector, Feb. 12, *Thurloe*, iii. 148.

[4] Council Order Book, *Interr.* I, 76, p. 178; *Merc. Pol.*, E.

[5] See Vol. ii. 422, 433.

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tracked to Portland. His partisans in the island, however, were neither few nor without influence, and on February 20 a party of soldiers which arrived to arrest him was itself placed under arrest by the Mayor and the Governor of the Castle, on the ground that they were attempting to deprive an Englishman of his liberty without being able to show a written warrant; though both the Mayor and the Governor were complaisant enough to express their belief that the new-comers had been deceived by representations made to them by others. In this way Sexby had time given him to effect his escape to the Continent.[1] It was probably the knowledge thus gained of the disaffection prevailing at Portland which led to the removal of Harrison to securer quarters at Carisbrooke.[2]

1655 Feb. 20. An attempt to seize him baffled.

He escapes to the Continent.

Apr. 3. Harrison moved to Carisbrooke.

Whatever may have been the exact plans of the Levellers, the importance of their movement was the greater in consequence of its concurrence, possibly only in point of time, though possibly also in something more, with those plans of the Royalists, a partial knowledge of which had led in January to the arrest of persons concerned in the transportation of arms. On that occasion the distribution of commissions from Charles had been traced to Colonel Stephens, who, after the failure of Gerard's plot in the preceding July, had, in conjunction with another Royalist agent whose name is unknown, laid before his master a statement of the hopes and fears of his party.[3] If only,

The Royalist plot.

1654. July. Activity of Colonel Stephens.

July 6. Plans of the Royalists.

[1] Council of State Order Book, *Interr.* I, 76a, p. 46.

[2] Narrative by Capt. Unton Croke, *Thurloe*, iii. 194. Captain Hurst, the Governor, related to Croke a conversation with Harrison, then a prisoner in the Castle, in which Harrison expressed an opinion that Sexby was a decoy for his Highness, though merely on the grounds that he had escaped arrest whilst his comrades had been caught. There was no connection between the politics of the two men: besides, Harrison thought Sexby 'a treacherous fellow,' which no doubt he was.

[3] The statement (*Clarendon MSS.* xlviii. fol. 326) is said to have been drawn up by 'Col. Ste. and Fa.' Mr. Macray (*Clarendon*, xiv. 99,

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they declared, Charles would no longer cast delays in the way of action, Tynemouth Castle could be secured in the North, and Sir Philip Musgrave would take the field at the head of 300 horse; the gentry of Surrey and Sussex could command 500, and Kent alone could provide a similar number. The Castles of Ludlow, Warwick and Denbigh might be secured. Sir Philip Musgrave, Sir John Grenville, Sir Humphrey Bennett, Lord Byron, Sir Thomas Peyton, Colonel Grey, Colonel Screven, respectively offered to get possession of Carlisle, Plymouth, Portsmouth, Nottingham, Sandwich, Tynemouth, and Shrewsbury. In Ireland; Carrickfergus, Galway, Londonderry, and probably Dublin and Athlone, might be gained without difficulty. All that Charles's English partisans demanded of him was that, after giving authority to their movements in writing, he would send Langdale to the North, offering pardon to certain persons they named; and would place either Ormond or the Duke of York by the water's side, with instructions to cross the Straits and head the insurgents in Kent and Surrey, where the store of arms provided at Sandwich for the use of the fleet could be easily secured. Charles at once wrote the required letters, copies of five of which are still extant in Hyde's handwriting.[1] In another, which some months later fell into the hands of the Protector, he endeavoured to explain his own previous hesitation and give encouragement to his partisans to act on his behalf as soon as possible. "You will easily believe," he wrote, "that I am very well pleased to hear how careful and solicitous you are for my concernments, and of the course you resolve to take.

Charles' letters.

His expectations of a rising.

note) suggests that the latter may have been Fanshaw, but the account of his movements in Lady Fanshaw's *Memoirs* makes this improbable.

[1] *Clarendon MSS.* xlviii. fol. 328. See also Mr. Firth's references in the *Hist. Review* (April 1888), iii. 325.

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The truth is I have been so tender of my friends that I have deferred to call upon them to appear till I could find myself able to give them good encouragement from abroad; but since I find that comes on so slowly, I will no longer restrain those affections which I most desire to be beholden to; and I have reason to believe that, if they who wish one and the same thing knew each other's mind, the work would be done without any difficulty, and if there was any handsome appearance in any one place, the rest would not sit still; and I am persuaded I should then find supplies from those who are yet afraid to offer them. However, I am sure I would myself be with those who first wished for me, and to that purpose I will keep myself within a reasonable distance, consult with those you dare trust, and, if you are ready, agree upon a time; and you cannot promise yourselves anything that you will be disappointed in and that is in the power of your affectionate friend—CHARLES R."[1] Charles, in fact, had given up all hope of receiving any considerable sum from the German princes, and was convinced of the necessity of relying entirely on his own subjects. This time, at least, it was an insurrection, not an assassination, that was in prospect.

June 30. Charles leaves Paris.

The letters despatched to England were written at Mons, where Charles was on his way to visit his sister, the Princess of Orange, at Spa. His

[1] Charles to —? July $\frac{8}{18}$. *A Declaration of his Highness*, p. 26, E, 857, 3. This pamphlet was published by authority on Oct. 31, 1655. Mr. Firth, who reprinted the letter in the *Historical Review* (April 1888), iii. 324, urges in favour of its genuineness that 'it has never been denied to be really the King's.' To this argument it may be added, in the first place, that the date of July $\frac{8}{18}$ is a most likely one, as it is the day on which the statement by Stephens and his colleague was laid before Charles; and, in the second place, that it corresponds in tone, and even in expression, with parts of the third and fifth of the five letters mentioned in the text, concerning which no doubt is possible.

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movements, however, were not guided by family affection alone. His position in France had been a strained one since Mazarin had avowed his eagerness to cultivate the friendship of the Protector. When he left Paris on June 30, it had been with a determination to fix the seat of his exile outside the territory of France.[1] At Spa he kept a gay and merry Court, spending the afternoon in dancing, and returning to the same amusement in the meadows after supper.[2] So far as he entertained any design of personally intervening in the impending struggle, it took the form of an intention to land in Scotland, where, the rout of Middleton at Dalnaspidal[3] being as yet unknown, the chances of the Royalists appeared far from desperate.[4] Scared by an outbreak of small-pox in his sister's household, Charles transferred his Court to Aachen, where he reinstated his father's secretary, Nicholas, in the office[5] in which he had served so faithfully, a promotion regarded by the English Cavaliers as assuring the triumph of their principles.[6] It was, however, never safe to calculate upon Charles's devotion to a single party. Nicholas and his allies can hardly have been well pleased to hear that the King and his sister had enjoyed the music at vespers in a Roman Catholic church. On the other hand, they can hardly have objected to his being taken to view the relics of Charles the Great.

and keeps Court at Spa.

Aug. 12. Charles at Aachen.

Nicholas restored to the secretaryship.

Charles and his sister at vespers.

[1] Nicholas to Middleton, July $\frac{1}{11}$, *Nicholas Papers*, ii. 78.

[2] Adams to Thurloe, $\frac{\text{July } 31}{\text{Aug. } 10}$, *Thurloe MSS.* xvi. 483.

[3] See Vol. ii. 418.

[4] A letter of Intelligence, $\frac{\text{July } 31}{\text{Aug. } 10}$, *Thurloe*, ii. 502; Nicholas to Norwich, $\frac{\text{Aug. } 22}{\text{Sept. } 1}$, *Nicholas Papers*, ii. 79.

[5] A letter of Intelligence, $\frac{\text{Aug. } 23}{\text{Sept. } 1}$. As Charles arrived at Aachen on Aug. $\frac{1}{11}$ (see a letter from the Nuncio at Cologne, Aug. $\frac{8}{18}$, *Roman Transcripts, R.O.*), Nicholas must have been placed in office between that date and $\frac{\text{Aug. } 22}{\text{Sept. } 1}$.

[6] Hatton to Nicholas, Sept. $\frac{1}{11}$, *Nicholas Papers*, ii. 88.

The Princess kissed the skull and the hand of the restorer of the Empire, whilst her brother, in lighter mood, contented himself with kissing his sword and measuring its length against his own.[1]

Sept. 29. Charles at Cologne.

The great Charles, it is true, was an emperor, not a saint. When, towards the end of September, his lesser namesake moved on to Cologne, he at once sent a Jesuit and a friar of his suite to the Papal Nuncio to beg for an interview. The Nuncio, indeed, refused to receive in his own house a king who declined to recognise the Pope, but a meeting was arranged in the garden of a monastery, where Charles professed his desire to allow the English Catholics even to erect churches after he had succeeded, with their assistance, in coming by his own. Not long afterwards an event occurred which forced Charles at least to display his sentiments on the other side. His youngest brother, the Duke of Gloucester, had been left with his mother in France, under the charge of a tutor named Lovell. Henrietta Maria had, indeed, promised that she would not tamper with her son's religion, but she thought it no shame to send him on a visit to the Abbot of Pontoise—the Walter Montague of the Court of Charles I.—in the hope that the boy would be induced by him to change his creed, especially as Lovell was either too complaisant or possessed too little authority to offer a stern resistance. At once the colony of English Cavaliers in Paris appealed to Charles, and Charles, who could do no otherwise than comply with their wishes, despatched Ormond, not to argue with the boy on points of faith, but to order him to leave France, telling him at the same time that he owed a higher duty to his King than to his mother. Ormond found his task the easier

Oct. 5. His meeting with the Nuncio.

Henrietta Maria tries to convert the Duke of Gloucester.

Nov. Ormond sent to fetch him away.

[1] Letters of Intelligence, $\frac{\text{Aug. 29}}{\text{Sept. 8}}$, *Thurloe*, ii. 567, 568.

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as Gloucester, young as he was, clung to the religion in which he had been educated, and, in spite of his mother's angry protestations, expressed himself quite ready to obey the orders conveyed to him, though he did not actually leave Paris for Holland till December 8. On his arrival he was taken in charge by the Princess of Orange, who had by that time returned to her adopted home.[1]

Dec. 8. The Duke leaves France.

The recovery of the Duke from the influence of his mother was a magnificent advertisement of Charles's claim to the gratitude of the English Cavaliers. Some weeks before he had written to the Scottish ministers, appealing to the memory of his conversation and behaviour among them, and assuring them that he would never forget to walk always as in the sight of the Most High; though he could not but remind them how necessary it was to make friends of all sorts of men.[2] It was perhaps under the yoke of this necessity that, as soon as he heard of his brother's departure from France, he sent Lord Taaffe to the Nuncio with an assurance that he could not have acted otherwise without throwing out of gear his plans for the recovery of his kingdom; as, if he had been believed to be a consenting party to his brother's conversion, he would have been abandoned by the greater number of the English Royalists. If, on the other hand, the King could expect any advantage to his cause, he would be quite ready to change his own religion.[3] This cynical avowal only called from the

Oct. 12. Charles writes to the Scottish ministers.

Dec. A message to the Nuncio.

[1] There are numerous letters on this matter in the *Nicholas Papers* and in the *Clarendon MSS.*

[2] Charles to the Ministers of Scotland, Oct. $\frac{1}{11}$, *Clarendon MSS.* xlix. fol. 75.

[3] "Soggiungeva che quando potesse sperare qualche vantaggio nella sua causa dalla religione Cattolica l'haverebbe abbracciata S. M. istessa." Letter from the Nuncio, Dec. $\frac{1}{10}$, *Roman Transcripts, R.O.*

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Nuncio a protest against the supposition that the salvation of souls could be bargained for on temporal considerations. In reporting what had passed to Rome, he added that, from all he heard, Charles had not shown much personal anxiety to preserve the Duke from his mother's devices.[1] The calls of religion appealed in vain to his sensual nature. Like his grandfather, Henry IV., he cared for none of these things. If three kingdoms could be gained either by attendance on a Mass or by sitting under the most long-drawn sermon, Charles would not hesitate to pay the price required.

Oliver and Charles.

It is hardly likely that this particular act of baseness was known to Oliver, but—well served as he was by spies in Charles's Court—he cannot but have been aware that the character of his opponent was wanting in all those qualities which commended themselves to the Puritan mind. Nor was he ignorant that Charles was putting forth all the skill he possessed to replace himself on the throne, therefrom to spread abroad those habits of self-indulgence which were most abhorrent to the strenuous Protector.

Charles urges the Royalists to haste.

All through the second half of 1654 Charles was in constant communication with his English supporters, urging them, under the thin disguise of legal or mercantile jargon, to rise in insurrection with all possible speed.[1] Scattered as were the English

[1] "Confermano alcuni quel che mi fu supposto dal principio della poca premura del Rè in divertire il fratello; ma che il Marchese d'Ormond, il qual tien quasi sogetto lo spirito di S. M., habbia fatto lo sforzo per proprio istinto e per accreditarsi appresso gl'Eretici." Letter from the Nuncio, Dec. $\frac{1}{11}$, *Roman Transcripts, R.O.* Taaffe is not likely to have exceeded his instructions, as he must have known that Charles had had a friendly conference with the Nuncio, and might have another at any moment, when the truth could hardly fail to leak out.

[1] Many of these letters are amongst the *Clarendon MSS.*, as having

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Royalists, it was not easy to bring them to a common action, and month after month passed away without any disturbance of the tranquillity which outwardly prevailed. Nor was it only the difficulties of communication which hampered the movement. The members of the Sealed Knot,[2] Charles's accredited representatives in England, declared in the early part of the new year that the moment was not opportune for a rising.[3] The adhesion of the leaders of the army to the Protectorate in its conflict with Parliament must have carried conviction to the minds of those responsible for the success of the design that there was little hope of support amongst the soldiers; whilst the failure of the Levellers in Scotland, the arrest of Overton, and the restoration of discipline in Penn's fleet, must have strengthened their determination to avoid compromising themselves by isolated action.

1655. Jan. The Sealed Knot recommends patience.

Difficulty of arresting the movement.

It is, however, far from easy to arrest a movement once started on its course, and Cavaliers who had for months been warned to be ready whenever occasion called on them were indignant at the constant postponements of action,[4] and were not likely to be deterred by the arrest of some of their number or the seizure of a few cartloads of arms.[5] In the course of January the partisans of action despatched to Charles a messenger named Ross,

been drafted or copied by Hyde, but it is most unlikely that the whole of them are to be found there.

[2] See Vol. ii. pp. 427, 450.

[3] Charles to Roles, $\frac{\text{Dec. } 26}{\text{Jan. } 5}$; Ormond to Hyde, $\frac{\text{Jan. } 26}{\text{Feb. } 5}$, Feb. $\frac{2}{12}$, *Clarendon MSS.* xlix. foll. 265, 321, 328.

[4] The story of insurrection has been told fully by Mr. Firth in the *Hist. Review*, iii. 323; iv. 313, 525. Unless for some special reason I shall refer my readers to the references there given.

[5] See *supra*, p. 77.

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with instructions to protest against further delays, and to ask that February 13 might be fixed as the date of the rising. Charles, with the sanguine impatience of an exile, welcomed the proposal; but he was confronted by another messenger, sent off by James Halsall, who had been authorised by the Sealed Knot to warn him that the times were unpropitious. In spite of Ormond's advice to command his followers either to rise or to abstain from rising, he adopted a middle course, first expressing his approval of the resolution of the party of action, and subsequently sending Daniel O'Neill to England to mediate between the two factions, without issuing any direct orders, either commanding those who had entrusted their views to Ross to postpone the rising, or the Sealed Knot to abandon their opposition.[1]

Charles's indecision.

Feb. 8. Daniel O'Neill sent to mediate.

One result of the delay in Charles's answer was that the date of the rising was postponed. Another was that it gave the Protector time to strengthen his position. Knowing as well as any Royalist that the insurrection was intended to break out on the 13th, he employed his time in reducing its danger as far as possible by ordering the seizure of those whom he judged likely to take part in it.[2] The most important of these arrests was that of Read, who had formerly been a lieutenant in the Dutch service, and who had in his possession the letter in Charles's own handwriting which placed his encouragement of the insurrection beyond reasonable doubt. Fortified with

The rising postponed.

Activity of the Protector.

Charles's letter found.

[1] Upton [or Roles] to Charles, Jan.; Ormond to Hyde, Feb. $\frac{2}{12}$; Halsall to Charles, Feb. $\frac{2}{12}$; Charles to Roles, Feb. $\frac{8}{18}$, *Clarendon MSS.* xlix. foll. 315, 327, 340, 343. The important passages in these letters have been printed by Mr. Firth in the *Hist. Review* (Apr. 1888), iii. pp. 333-36.

[2] *Merc. Pol.*, E, 826, 23; Salvetti's Newsletter, Feb. $\frac{8}{18}$, *Add. MSS.* 27,962 O, fol. 385.

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1655 Feb. 12. Horses seized.

this documentary evidence, Oliver ordered that all horses in London and Westminster should be seized on the 12th, and on the 13th, the day on which the rising was expected to take place, he invited the Lord Mayor, the Aldermen, the Recorder, and sixty members of the Common Council of the City to inspect the incriminating paper.[1] After they had satisfied themselves that it was genuine, the Protector harangued them at some length, urging on them the duty of looking to their own security and of providing, at the same time, for the peace of the nation. In the end he showed them the draft of a Commission which he was about to issue for raising and bringing under discipline the militia of the City of London.

Feb. 13. The letter shown to the citizens.

Feb. 15. A Militia Commission for London.

The Commission was issued two days after it had thus been announced. Once more the Protector showed his resolution to carry out in his own way the wishes of the dissolved Parliament. So far as the language used by its members is to be trusted, that Parliament intended to call out a militia to bear the burden of local defence. Oliver now appealed to the City to provide him with a militia, to which he might reasonably look for support when the time arrived for that partial disbandment that was inevitably impending. Yet it was not to be expected that he should leave the armed force of the nation in the hands of his opponents. The Commissioners named included, besides the Lord Mayor and Aldermen, a considerable number of officers, of whom Skippon was the most prominent. The choice of the officers was left to the Protector, after consultation with the Commissioners. The object of the new militia was declared to be the suppression of local disorders. It was specially announced that no citizen would be

[1] *Merc. Pol.*, E, 826, 28. For the letter see *supra*, p. 120.

called on to serve outside the City or its liberties without his own consent.[1] CHAP. XXXVIII. 1655

Oliver was aware that the danger had not passed away because the day of rising had been postponed. On February 24 he issued a proclamation forbidding race-meetings for six months, on the ground that the concourse of people might be used to 'raise new troubles.'[2] As a matter of course orders had been given to secure the ports. At Dover, however, some of the officials were in collusion with the Royalist party. With their help Halsall and Ross had crossed to lay their messages before Charles, and the correspondence between the exiled Court at Cologne and its English supporters was kept briskly up. It was doubtless by the agency of these officials that Daniel O'Neill, who, travelling under the name of Bryan, had been arrested at Dover and confined in the Castle, succeeded in making his escape and in pursuing his journey to London. Another notable Royalist agent, Nicholas Armorer, appearing under the name of Wright, was allowed to pass on the certificate of Day, the Clerk of the Passage. The result of this connivance with suspected persons was an order to Captain Wilson, the Deputy Governor of Dover Castle, to hold himself personally responsible for the detention of all persons supposed to be travelling in Charles's interest.[3]

Feb. 24. A proclamation against horse races.

The ports secured.

Feb. 22. O'Neill's escape.

Armorer allowed to pass.

Feb. 26. Stricter measures.

O'Neill was not Charles's sole representative in England. On February 19 Rochester crossed from

[1] Commission, Feb. 15, Council of State Order Book, *Interr.* I, 76a, p. 22.

[2] *Proclamation*, Feb. 24, B. M. press-mark, 669, f. 19, No. 69.

[3] The Princess of Orange to Hyde, $\frac{\text{Feb. 19}}{\text{March 1}}$; Charles to Hyde, March $\frac{3}{13}$, *Clarendon MSS.* xlix. foll. 367, 387. Wilson to Thurloe, Feb. 27, *Thurloe*, iii. 179. The intimation that Wright was probably Armorer was given by Sir R. Stone, *Thurloe MSS.* xxii. 107. Mr.

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Dunkirk to Margate, in company with Sir Joseph Wagstaff, who had held a command under the late King in the Civil War.[1] Both Rochester and Wagstaff succeeded in reaching London unobserved. Rochester came, not like O'Neill, to mediate between the parties, but to put himself at the head of the one which had declared for immediate action. The longing for an opportunity of bringing his weary exile to an end had got the better of prudence in Charles's mind.[2] Nor was he, to do him justice, desirous of sheltering his own person. Slipping away from Cologne, he made his way through Düsseldorf to Middelburg, with the intention of crossing to England as soon as a reasonable prospect of success lay open before him.[3]

Landing of Rochester and Wagstaff.

Charles at Middelburg.

Firth only allows the connivance of Day—the Clerk of the Passage—to be probable, the evidence against him not being conclusive (*Hist. Rev.* (April) iii. 1888, pp. 343, 344). He seems to have overlooked a passage in a letter from Manning, the spy, of May $\frac{11}{21}$: "At Dover all pass by the assistance of one And. Day, Fox, &c., searchers, and as long as they are there all will pass you . . . and Foster hath made O'Neill, Manning's, Armorer, Ross, Trelawny, Palmer, Halsall's, and the other Dover escapes, and many before," *Thurloe*, iii. 428. "And." may either stand for Andrew, a mistake for Robert, or be the first letters of some other name, such as Anderson.

Mr. Firth says that 'Cromwell does not appear to have dismissed Day from his post, probably because he did not regard the charges as proved; but perhaps because he had already rendered Day harmless. At the end of February 1655, in consequence of the escape of several Royalist prisoners, the authority of the old Commissioners of the Passage was superseded, and the control of the police of the passage entrusted to the Deputy-Governor of Dover, Captain Wilson.' This argument requires, I think, to be supplemented by the consideration that to dismiss Day would give warning to Royalists that they must avoid Dover for the future, and so keep out of Wilson's hands. If this view be adopted, it will be unnecessary to consider the assumption that the Protector may not have regarded the charges as proved.

[1] Examination of F. Jones, April 4, *Thurloe*, iii. 344.

[2] Hyde's memoranda of the instructions to be given to Trelawny, *Clarendon MSS.* iii. 65. Clarendon's attempt to minimise Charles's decision long afterwards (*Clarendon*, xiv. 127) is of no importance beside the contemporary document.

[3] Charles's presence at Düsseldorf is attested by a letter from the

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The information laid before Rochester on his arrival in London was such as might have discouraged a wiser man. The Protector had been well enough served by his spies to lay hands on Sir Humphrey Bennett, who had engaged to secure Portsmouth; Colonel Grey, a brother of Lord Grey of Wark, who had offered to make sure of Tynemouth Castle; and Sir John Grenville, the former defender of the Scilly Isles, who had undertaken the surprise of Plymouth.[1] Small bodies which had gathered with the intention of seizing the cavalry posts at Taunton and Marlborough had been broken up, and some of their members arrested.[2] Yet neither O'Neill nor Rochester could perceive the symptoms of failure conveyed in these news. O'Neill's communications with Charles were full of the most sanguine assurances. Sir George Booth, he wrote, would answer for Cheshire, and he even believed that Fairfax himself would carry Yorkshire with him to the Royal standard.[3] The West, it was confidently expected, would not be found wanting, and Shrewsbury, with the counties on the Welsh border, would follow the example. The night of March 8 was

The situation in England.

O'Neill sanguine.

Princess of Orange to Hyde, $\frac{\text{Feb. 26}}{\text{March 8}}$, *Clarendon MSS.* xlix. 373. A letter from Calais, of March $\frac{8}{18}$, affirms that he was at that time still at Middelburg, *Thurloe*, iii. 275.

[1] Robinson to Floyd, Feb. $\frac{8}{18}$, *Clarendon MSS.* xlix. fol. 373. *Perf. Diurnal*, E, 481, 13.

[2] Butler's letters of Feb. 26 and March 3, with the information of Gill and Stradling, *Thurloe*, iii. 176, 181, 191.

[3] The belief that Fairfax would be on their side was widely spread amongst the Royalists. On June 11 Percy Church informed Nicholas that he had heard that Buckingham had said 'that the Lord Fairfax promised to engage for his Majesty's interest, provided that the transactions between his Majesty and him might pass through the Duke's hands; which request being refused, his Lordship quitted, and so his Majesty's design was frustrated.' "Opposite this passage," writes Mr. Warner in a note, "Nicholas has written in shorthand: 'I assure you I know not, nor by enquiry can find, that there was ever an offer or promise from the Lord Fairfax that he would engage for his Majesty's

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now fixed for a simultaneous rising of the Royalists. Willoughby of Parham engaged that the Presbyterians would stand by the Cavaliers, and promised the assistance of Waller and Major-General Browne.[1] Rochester himself set off for Yorkshire to conduct the negotiations with Fairfax, on which he had set his heart.[2]

Presbyterian support offered.

Mar. 8. Chances of the rising.

It was one thing for a few returned exiles to conclude that the proposed insurrection was on a fair way to success; it was another thing for them to induce hundreds of Royalist gentry to risk their lives and estates by flying in the face of an established Government, and, without adequate organisation and with spirits dulled by frequent postponement of action, to confront the strongest military force hitherto known in England. What really took place on the night of the 8th was the gathering of a few isolated bodies of enthusiasts at their allotted stations, whilst

interest, so as the transactions between his Majesty and him might pass through the D. of B.'s hands; but it's possible some third person might [have] proposed that the Duke might be a fit man to treat between the King and that Lord, whereby to procure him to engage for the King. And this, I assure you, is the most that I know or can learn concerning that particular, and it's said by some that know Lord Fairfax very well that he had never any intention at all to engage for the King's interest'" (*Nicholas Papers*, ii. 335). This seems to set the question at rest so far as Fairfax is concerned. Buckingham must, however, have conveyed the impression that Fairfax might be counted on, or O'Neill would have been less confident. As Fairfax had possession of Buckingham's estates, it would be to the interest of the latter that Fairfax should come to terms with himself before giving his support to a restoration.

[1] There is a curious story in Coyet's despatch of April 6 about a secret agent of the Government trying to trepan Browne into the Royalist plot to have an excuse for arresting him. If this is more than mere gossip, the Government can have merely wanted to get evidence, in an improper way, against of a man whom it entertained well-founded suspicions.

[2] O'Neill to Charles, March 8, *ib.* ii. 217. The uninterpreted name 'Mr. Humely,' 'whose consent was most necessary,' I take to be the town of Hull.

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the great bulk of the Royalists, refusing to sacrifice life and property in so harebrained an adventure, remained quietly at home.

Gathering at Duddoe,

Thus, at Duddoe, to the south of Morpeth, some eighty persons assembled in the hope of gaining admission into Newcastle, were scared by the fortuitous approach of a body of infantry on the march southwards from Berwick, and dispersed with all possible rapidity. The same ignominious fate befell a larger body, variously estimated at 100 and 300, which, being encouraged by the presence of Rochester himself, collected on Marston Moor in the expectation that friendly hands would open to them the gates of York. Startled, according to one account, by the shouts of some travellers who had lost their way, they hurriedly escaped, leaving their arms behind them.[1] Nor was another party of about 200 which gathered at Rufford, in Nottinghamshire, with the intention of marching northwards to join their comrades in York, any more persistent. So hurried had been their resolve that both Lord Byron, who had been marked out as their leader,[2] and the young owner of Rufford, Sir George Savile, who, as Earl and Marquis of Halifax, became pre-eminent as a statesman under the Government of the Restoration, were absent from home. Scarcely had the others met when the word that their secret had been betrayed spread consternation amongst them, and, throwing their arms into a pond they fled without making an effort to carry out their purpose.[3]

on Marston Moor

and at Rufford

[1] Thurloe to Pell, March 16, Vaughan's *Protectorate*, i. 146; Mews to Nicholas, $\frac{\text{May } 25}{\text{June } 4}$, *Nicholas Papers*, ii. 327; *Merc. Pol.*, E, 826, 11, 23; informations of W. Trumbel, E. Turner, M. Pratt, and W. Bell, *Thurloe*, iii. 216, 222, 228, 230.

[2] Manning to Thurloe, $\frac{\text{June } 28}{\text{July } 8}$, *S. P. Dom.* xciii. 45.

[3] Examination of Clayton and others, March 13; examination of Penniston Whalley and Baggelow, March 14; [Berry] to the

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Inaction in Lancashire and Cheshire.

In Lancashire and Cheshire the failure of the Royalists was, if possible, still more complete. In the former county there was no movement whatever.[1] In the latter, Sir George Booth and Colonel Worden did no more than send two or three men to see whether sentinels were posted on the walls of Chester Castle, and finding them on the alert, at once abandoned all hope of capturing so strong a fortress.[2]

Shrewsbury in danger.

Shrewsbury, from its proximity to the Welsh border, was of the greatest importance to the Government, and early in March the Protector, hearing of danger in that quarter, despatched a troop of horse to relieve the garrison, which at that time consisted of no more than seventy men under the Governor, Colonel Humphrey Mackworth.[3] On the 5th he empowered Colonel Crowne, Mackworth's uncle, to raise an infantry regiment in Shropshire.[4] On the 8th, however, before these orders had time to take effect, tidings which reached Mackworth induced him to send prompt notice of danger to Sir Thomas Middleton, who was also

Protector, undated; Berry to the Protector, March 17; information by Lockell, July 12, 1658, and by Cockhill, July 30, 1658, *Thurloe*, iii. 228, 241, 264, iv. 599, vii. 263, 301. The last two informers were Savile's servants. Penniston Whalley left his house at Screveton on the 8th, and took care to be able to plead an *alibi* till the 9th. He was suspected of having betrayed the scheme, but may merely have wished to withdraw himself from a desperate cause.

[1] Mr. Firth (*Hist. Rev.* (Apr. 1888), iii. p. 342, and Apr. 1889, p. 324) ascribes this quiescence to the landing at Liverpool of some 3,000 men from the army in Ireland, quoting a letter of James Halsall to the effect that they would prevent the design of his brother to surprise that place. The landing, however, took place on Jan. 15, and the letter written abroad on Feb. $\frac{2}{12}$ (*Clarendon MSS.* xlix. fol. 343) might very well refer to such a difficulty at that time; but there is no reason to suppose that these troops remained in Lancashire, and, indeed, nothing is heard of their being there in March.

[2] Examination of Pickering, July 20, *Thurloe*, iii. 677.

[3] The second son of the Colonel Mackworth who died in 1654 as a member of the Council. Blore's *Hist. of Rutland*, p. 129.

[4] The Protector to Crowne, March 5, *S. P. Dom.* xcix. 91, i.

threatened in Chirk Castle. Then, seizing twenty horses in the town, he despatched as many men on them to Boreatton Park, the seat of Sir Thomas Harris, in which the rendezvous was to be held that night. The party, on its arrival, found twenty horses ready saddled in the stables, many of them with charged pistols in the holsters, a barrel of powder and a suit of armour in the barn, and bullets newly cast in the study. The arrest of Sir Thomas followed as a matter of course. Subsequent examinations showed that the rendezvous was to have been held that night and an attempt made on Shrewsbury.[1] Had this failed the conspirators were to ride off to join any Royalist band which elsewhere had been more successful than they had been themselves.

The plot suppressed.

[1] Mackworth to the Protector, March 8; Crowne to the Protector, March 10; examinations of Evanson and Bultry, March 21, *Thurloe*, iii. 208, 215, 288, 289. Mackworth makes Boreatton only five miles from Shrewsbury, whereas it is at least eight. I have said nothing of the confessions of Ralph Kynaston (*Thurloe*, iii. 209–211), who gave information that six soldiers, of whom two were to be disguised as women, were to procure an entrance into Shrewsbury Castle, at 4 P.M. on the 8th, on pretence of sight-seeing, and were to block the gate on leaving, giving opportunity to men concealed in alehouses near to rush the Castle, as it is not easy to understand why this attack should be made at 4 P.M., whilst the supporting force was not to rendezvous in Boreatton Park till 11 P.M. The following explanation may, however, be suggested. Prior to March 7 Mackworth had but twenty men at the most to garrison the Castle. This is shown by his own estimate of seventy foot and a troop of horse on the 10th (*Thurloe*, iii. 218). Fifty men had been put in by Crowne on the 7th (Crowne's Petition, *S. P. Dom.* xcix. 91), and the troop sent by the Protector had subsequently arrived. May we not, therefore, conjecture that the plan revealed by Kynaston was one made before the garrison was strengthened by Crowne, as the proposed scheme for overpowering the garrison would then appear feasible, and it would be unnecessary to bring up the horse from Boreatton to help in what could be done without them? As Kynaston's business was to raise a troop in Montgomery, it is not difficult to imagine that he had not heard that the reinforcement of the garrison had led to a change of plan.

CHAPTER XXXIX.

PENRUDDOCK'S RISING.

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In Wiltshire alone were the insurgents rewarded even by momentary success, and that merely because they contented themselves with attacking an unwalled and undefended town. In spite of their failure in February the Royalists of that county continued hopeful, being encouraged by the presence of Sir Joseph Wagstaff, who had been sent from London to take command of the forces to be raised in the western counties. Of the local gentry, the most prominent were Colonel John Penruddock of Compton Chamberlayne, and Hugh Grove of Chisenbury. Penruddock's ancestors had emigrated from Cumberland; and he himself, having served with his father in the King's army during the Civil War, had been driven to pay composition for his estates.[1] Of Grove's earlier life nothing appears to be known. It had been at first proposed to signalise the appointed 8th of March by an attack on the judges of assize at Winchester, a plan which was soon abandoned, in consequence of news that a troop of horse had appeared in that city.[2] The conspirators appear to have had a special grudge

A movement in Wiltshire.

Proposed attack on Winchester.

[1] Mr. Ravenhill, in the *Wiltshire Archæol. and Nat. Hist. Magazine*, xiii. 125, gives an entry written by Penruddock in his account-book of 1,300*l.* paid for composition. This includes his father's fine of 490*l.*

[2] Thurloe to Pell, March 16, Vaughan's *Protectorate*, i. 145.

against the judges as the representatives of the Protector, and, as their commission was to be opened at Salisbury on the 12th, the night of the 11th was fixed for a rendezvous in Clarendon Park, about two miles from the city.

March 11. A gathering in Clarendon Park.

Accordingly, some sixty horsemen gathered on that historical site, where they were joined by forty more who came out of the city under John Mompesson, and later on by about eighty from Blandford.[1]

March 12. The Royalists in Salisbury.

Being thus some 180 strong, they entered Salisbury before dawn, placed guards at the inn-doors, seized the horses in the stables, flung open the doors of the gaol, and arrested in their beds the two judges, Chief Justice Rolle and Baron Nicholas, together with Dove, the High Sheriff of the county. When the three were brought out, the judges were forced to hand over their commission, and Wagstaff, rude soldier as he was, called out for the hanging of them all. This cruel counsel having been rejected at Penruddock's instance, Dove, who was especially obnoxious as a purchaser of Royalists' estates,[2] was asked to proclaim Charles II. On his refusal he was subjected to ill-treatment, receiving on his side a blow from a carbine. Ultimately the proclamation was

[1] The examination of Arthur Collins, Wagstaff's servant (*The Perf. Diurnal*, E, 831, 1) begins by stating 'that on Sunday, being the 11th instant, the said Sir Joseph Wagstaff met at Clarendon Park, . . . where were mustered 60 horse, Mr. John Mompesson bringing from Salisbury to their aid 40 more, from whence they immediately marched towards Blandford, where about 80 more joined with them; thence they marched to Salisbury.' From Clarendon Park to Blandford and back to Salisbury was about 46 miles, and it is incredible that the party, with all their work before them, should have added this to their toils. I suspect that they merely wheeled round Salisbury to the Blandford Road, and were there joined by the reinforcement.

[2] In the *Dictionary of Nat. Biog.* he is improperly styled a regicide. He sat only once on the court, and did not sign the death-warrant.

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made by one of the company, whilst the Sheriff himself was carried off as a hostage.[1] The insurgents, finding that the townsmen refused to join them, marched off to Blandford, where, finding the town-crier as obstinate as Dove, Penruddock was reduced to proclaim, with his own lips, Charles II., the true Protestant religion, the liberty of the subject, and privilege of Parliament.[2] Then, sending out parties to right and left to sweep the country in search of recruits,[3] the main body pushed on hurriedly through Sherborne to Yeovil, where they halted till daylight on the morning of the 13th, having covered 47 miles since leaving Salisbury. By this time their hopes of gathering a large force had died away, and Dove was set free, perhaps as a mere incumbrance to a march which could hardly be distinguished from a flight.[4]

March 13. The insurgents at Yeovil.

March 12. Desborough Major-General of the West.

It could not be long before the forces of the Government would be on the track of the fugitives. By the evening of the day on which they entered Salisbury, the Protector, alarmed at the news, appointed Desborough Major-General of the West, and despatched him to the scene of action.[5] On the evening of the 14th Desborough was at Newbury, intending to effect a junction at Amesbury with Major Butler, who, having half a cavalry regiment under his orders, had promptly marched to Salisbury, as well as with some troops which had been pushed forward from Chichester.[6] Long before this the supporters of the Government in the neighbouring counties

March 14. His arrival at Newbury.

[1] *Clarendon*, xiv. 132; *Merc. Pol.*, E, 830, 11, 23.

[2] *Perf. Proceedings*, E, 831, 6; *State Trials*, v. 775.

[3] Bishop to Thurloe, March 14, *Thurloe*, iii. 242.

[4] Dove appeared at Salisbury on the morning of the 14th, which fixes the 13th as the day of his liberation at Yeovil.

[5] The Protector's instructions, March 12, *Thurloe*, iii. 221.

[6] Desborough to the Protector, March 15, *ib.* iii. 247.

were astir. At Bristol guards were enlisted and a troop of horse raised.[1] At Gloucester 400 of the citizens agreed to undertake the defence of the place, leaving the garrison free for service in the field.[2] In Somerset, which was more directly threatened, no less than 3,000 men rallied to the Government, and but for a dispute about the command would have taken the field at once.[3] Colonel Copplestone, with a newly levied regiment quartered in Devonshire,[4] was ready to bar the way of the retreating Royalists.

Local offers of assistance.

It was, however, to none of these bodies that the overthrow of the royalists was due. On the morning of the day on which the Royalists were hurrying out of Yeovil Captain Unton Croke, the officer who had vainly attempted to arrest Sexby earlier in the year,[5] started from Exeter with a party of soldiers in the hope of being able to intercept the march of the insurgents. When he reached Honiton he found that they had already slipped past, and were pressing on in the hope of reaching Cornwall, where there were Royalists enough to welcome and assist them, and whence, if their enterprise proved hopeless, escape to the Continent was easy. Croke, indeed, had but sixty men under his orders, whilst the enemy, in spite of having lost a considerable number by desertion, were reported to be two hundred. They were, however, depressed in mind, and both they and their horses were weary from want of adequate rest. Avoiding Exeter, lest

Unton Croke misses the insurgents at Honiton.

They push on to the West.

[1] Aldworth and Powell to Thurloe, March 12, 15, *Thurloe*, iii. 233, 248.

[2] Wade to Desborough, March 14, *ib.* iii. 239. Details are to be found in the *Gloucester Corporation Books*.

[3] Thurloe to Pell, March 16, Vaughan's *Protectorate*, i. 151; Gough to Malyn, March 14, *Thurloe*, iii. 237.

[4] Copplestone to the Protector, March 10, *ib.* iii. 219.

[5] See *supra*, p. 119.

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they should fall into the hands of Copplestone, they struggled on through Cullompton and Tiverton, only drawing rein in the late evening at South Molton. While the night was still young, Croke, who had not slackened in pursuit, came up and surrounded them in their quarters. The Royalists, surprised as they were, defended themselves gallantly, firing out of the windows at the troopers. Yet, perhaps because they had been long unaccustomed to the use of arms, they did little execution, not a man of Croke's little force being slain. Knowing that their case was hopeless, some made their escape, Wagstaff himself being one of the number. Others, like Penruddock and Grove, together with Jones, who had been joined to the other two in command, surrendered. Fifty or sixty prisoners were taken and lodged in Exeter Gaol.[1] Unfortunately, there is good reason to believe that a set of articles drawn up by Penruddock, in which pardon for life and estate was offered to those who surrendered, had been agreed to by commissioners appointed by Croke.[2] Such terms Croke, as a mere military

The fight at South Molton.

Probable offer of pardon.

[1] Croke to the Protector, March 15, 16, *Merc. Pol.*, E, 830, 23.

[2] Penruddock and Jones drew up a petition to the Protector and Council in which, after recounting the circumstances of the fight, they say: "The Captain thought fit on this exigent to sound a parley and tender us conditions, whereupon hostages were delivered on both sides, and one Mr. Rogers, a corporal, and Mr. Lane, a gentleman of the troop, were sent in the behalf of Capt. Croke. Mr. Penruddock, having drawn the articles and read them distinctly to the said Rogers and Lane, th[ey in] the Capt.'s name signed the said articles, which were as followeth, or to this effect:—that the several persons therein comprised upon delivering up their several quarters should have their lives, liberties, and estates, and never be farther questioned by any power whatsoever, and were to have free quarter and a convoy to their several homes. The original thus signed we are able to produce and sufficiently prove" (*Wiltshire Archæol. and Nat. Hist. Magazine*, xiv. 39). Penruddock on his trial challenged Croke on the subject, who remained silent, and both he and Grove repeated this assertion

commander, had no power to grant, and it is hardly likely that he ever intended to grant them. At all events, they were tacitly repudiated by the Government as well as by himself.[1] CHAP. XXXIX. 1655

With the capture and dispersal of the insurgents at South Molton the rash game played by Charles, at the hazard of his most devoted adherents, came to an end. No Government could pass over such a defiance, and after due deliberation a special Commission was issued for the western counties and another for the northern. The Government boasted that it was the first time since 1646 that treason had been submitted to juries. For all that, it was only by packing the juries with 'honest and well affected' persons that a favourable verdict could be looked for.[2] Six of the prisoners put on their trial at Salisbury were found guilty of treason, one pleaded guilty, and The insurrection at an end.

in their dying speeches on the scaffold. On the other hand, the writer of one of the letters amongst the *Clarke Papers* (iii. 36) says that Croke said that 'they were no articles, but verbal conditions to this effect that they should have fair quarter, which they have had, and that he would earnestly intercede with my Lord Protector for their lives, liberties, and estates, which likewise he hath done.' Perhaps this was what Croke intended, though he may not have scrutinised closely the paper his commissioners signed.

[1] Croke, in his despatch written the next morning (*Merc. Pol.*, E 830, 23), merely says 'some of them yielded to mercy. I promised them I would use my endeavours to intercede for their lives'; and this he afterwards did for five of them. The most probable explanation of the whole matter is that Croke urged the men firing from the house to surrender, and, on their consent to negotiate, sent, as Penruddock states, a corporal and a trooper to treat. Penruddock, having drawn up these impossible articles, submits them to the two commissioners, who blindly accept them. Penruddock in his petition says nothing of Croke having given his personal word, but of course holds Croke responsible for his agents. That these articles, even if assented to by Croke, would be held to be quite worthless was shown by the similar case of Hamilton in 1649. See Vol. i. 11.

[2] Thurloe to Pell, April 6, Vaughan's *Protectorate*, i. 162; Dove to Thurloe, March 29, *Thurloe*, iii. 318.

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three were acquitted; six others being found guilty of horse-stealing, probably, though not certainly, in connection with the insurrection.[1] Of those convicted of treason, only three were executed, one, a gentleman named Lucas, being beheaded, and the other two hanged; though in their case, as in other cases in the course of these assizes, the barbarous concomitants of hanging were remitted.[2] At Exeter, where the court opened on the 18th, twenty-six prisoners, including Penruddock and Grove, either pleaded guilty or were convicted, whilst three were acquitted and one had a No Bill found by the grand jury.[3] Of the whole number, seven only[4] were hanged, and two—Penruddock and Grove—beheaded. At Chard, on April 25, the condemnations were six. As no executions are reported, it may be presumed that none took place.

Apr. 11–12. Trials at Salisbury,

Apr. 18. at Exeter,

Apr. 25. and at Chard.

Attitude of the army and the people.

In the suppression of this rebellion the discipline and fidelity of the soldiery had been placed beyond dispute. The attachment of the civilian population was more open to question. Before the defeat of the insurgents was known in London, Thurloe assured a correspondent 'that all the counties in England would, instead of rising for them, have risen against them; and the Protector could, if there had been need, have drawn into the field, within fourteen days,

Thurloe's view.

[1] *The Perf. Diurnal*, E, 833, 9.

[2] *The Faithful Scout*, E, 838, 5. [3] *Thurloe*, iii. 394.

[4] *Perf. Proceedings*, E, 838, 3, gives only seven, but in the Protector's warrant, of which there is a facsimile in the *Wiltshire Arch. and Nat. Hist. Magazine*, xiv. 66, there are eight names. In a petition of the prisoners (*ib.* xiv. 65) only seven names are marked with an asterisk as those of men afterwards hanged. Amongst those not so marked is John Harris, whereas in the Protector's death-warrant is John Haynes. If the clerk who drew up the warrant put in Haynes by mistake for Harris, it would account for the escape of the eighth man.

20,000 men, besides the standing army. So far are they mistaken who dream that the affections of this people are towards the House of Stuart.'[1] The Royalist historian, writing long after the cause he favoured had triumphed over its opponents, took a different view. "There cannot," he declared, "be a greater manifestation of the universal prejudice and aversion in the whole kingdom towards Cromwell and his Government than that there could be so many designs and conspiracies against him, which were communicated to so many men, and that such signal and notorious persons could resort to London and remain there without any such information or discovery as might enable him to cause them to be apprehended."[2]

Clarendon's view.

Clarendon, indeed, might have made out a yet stronger case if he had noted the facility with which Royalist prisoners succeeded in making their escape. It is certain that in one case, at least, it was not owing to the lenity of the Government that the death sentences at Chard were not followed by the usual result. The most important of the condemned was Major Thomas Hunt, who was removed to Ilchester gaol, outside the walls of which a scaffold was erected on May 15, to serve for his execution on the morrow. In the evening, however, he received a visit from his two sisters, one of whom took his place in bed, whilst, disguised in her clothes, he walked out in company with the other, hiding his face as if to stifle his sobs, and was no more heard of in England.[3] As the gaoler had been ordered to place his prisoner

Escape of Royalist prisoners facilitated.

May 15. Escape of Major Hunt.

[1] Thurloe to Pell, March 16, Vaughan's *Protectorate*, i. 151.

[2] *Clarendon*, xiv. 130.

[3] Cary and Barker to Desborough, May 18, *Thurloe*, iii. 453 *Merc. Pol.*, E, 840, 7; Hunt's Petition, Aug. 1, 1660, *Hist. MSS. Com.* Rep. vii. 123.

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in irons, and had neglected to do so, there is some reason to suppose that, like the officials at Dover, he acted in opposition to the Government in whose service he was. The two ladies paid for their devotion by imprisonment for two years and a half. It is difficult to resist the conclusion that similar assistance was given to two of the Yorkshire plotters, Sir Richard Mauleverer and John Walter, who had been captured near Chester. A guard was indeed placed outside the door of the room in which they were confined, but no notice was taken of a window in the room itself, through which they dropped easily into the street and got safely away.[1] Eyton, again, one of the Shrewsbury insurgents, was allowed to let himself down from his window by tying his sheets together. As strict orders given to the marshal to put him in irons had been only so far complied with that a single leg had been fettered, the evidence that the marshal was in collusion with his prisoner appears to be complete.[2]

Probable connivance of the gaoler.

March. Escape of Maule-verer and Walter.

Apr. 2. Eyton's escape,

Outside the prison walls the absence of any desire to assist the Government in arresting fugitives is even more significant. Wagstaff, as well as several of his comrades, were able to conceal themselves in the houses of western Royalists till they found an opportunity to take shipping to the Continent.[3] Daniel O'Neill effected his escape in much the same manner. Of all the conspirators, Rochester and Armorer were exposed to the greatest danger. The pair, making their way from Yorkshire, reached Aylesbury in the company of the Earl's French

Wag-staff's escape,

and O'Neill's.

[1] Griffith to Thurloe, March 19, 27, *Thurloe*, iii. 273, 304.

[2] Reynolds to Thurloe, April 2; Mackworth to the Protector, Aug. 11, *Thurloe*, iii. 336, 706.

[3] *Clarendon*, xiv. 134.

servant, and of a countryman whose services they had engaged on the way.[1] At Aylesbury they were arrested by a justice of the peace named Henn,[2] whose suspicions had been roused by the failure of Rochester and his companion to give a satisfactory account of their movements. In the course of the night, however, they bribed the innkeeper in whose charge they had been left with a sum of money and a gold chain valued at 100*l.* Abandoning their servants and horses, they succeeded in slipping away to London. Rochester, after remaining there for some time in the disguise of a Frenchman in a yellow periwig,[3] reached Cologne about the end of May.[4] Armorer was equally successful in making his escape.

March 20. Arrest of Rochester and Armorer.

March 21. Their escape.

Yet, though all this makes for the acceptance of Clarendon's view of the situation, there is something to be said on the other side. If the Protector had been the object of general aversion, he would hardly have raised the 4,000 men of the London militia so speedily as he did, nor would 400 volunteers have risen to support him in Gloucestershire, and still less 3,000 in Somerset even before they received his summons. Nor, it may be added, would the insurgents have found so cold a welcome in every town through which they passed.[5] On the whole, it is safest to conclude that both parties had a

Support given to the Protector.

[1] Mews to Nicholas, $\frac{\text{May } 25}{\text{June } 4}$, *Nicholas Papers*, ii. 327.

[2] Well known to the readers of *The Verney Memoirs* as a sequestrator during the Civil War.

[3] Manning to Thurloe, April $\frac{3}{13}$, *Thurloe*, iii. 339.

[4] Henn's warrant, March 20; Henn to the Protector, April 2, *Thurloe*, iii. 281, 335. Henn was to have met Ingoldsby on the 21st, who no doubt reported the affair at once to Whitehall. On Rochester's final escape, and also on Armorer's, see Manning to Thurloe, May ?, *S.P. Dom.* xcvii. 109.

[5] A few joined them in Salisbury, and a few in Blandford, but that is all.

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comparatively small number of devoted adherents, whilst the majority were more or less indifferent, and under the sway of two streams of feeling drawing them in opposite directions. On the one hand was the dread of rekindling the embers of civil war by any challenge to existing authority. On the other hand was a natural desire to save the life of a hunted fugitive, strengthened by a want of sympathy with the authorities who were seeking his death.

Probabilities of the case.

Composition of the Royalist group.

Of the composition of the Royalist group we have some means of judging from a list of prisoners confined in the gaols of Exeter, Taunton, and Ilchester. Of 139 persons named, 43 were esquires, gentlemen,[1] or officers. There were 10 servants, 8 yeomen, 19 husbandmen, 2 innkeepers, and the remaining 56, except a few to whom no occupation is assigned, small traders or handicraftsmen mostly from villages.[2] Evidently the rising had been one mainly of gentlemen and their dependents. Of the partisans of the other side it is impossible to speak with equal certainty, and still less of the mass which took part with neither. It is safe, however, to say that all the purchasers of confiscated lands supported the Protectorate, as well as that not inconsiderable class which was Puritan without being politically opinionative.

At all events, there was sufficient evidence of support to justify the Protector in extending the system which he had already adopted in London.[3] On March 14, two days after Desborough had been despatched to the west against the Salisbury insurgents, commissioners were appointed to organise

March 14. Appointment of militia commissioners.

[1] Including one described as 'of Gray's Inn.'

[2] *Thurloe*, iii. 306. The most numerous of the last class were tailors, of whom there were six.

[3] See p. 128.

the militia[1] in the twenty-one towns or rural districts in which danger was most to be feared. On the 20th, a few days after Croke's success at South Molton was known, no less than 5,000 of the new militia were mustered in London in the presence of Richard and Henry Cromwell. The Protector himself kept away, probably to emphasise the local and popular nature of the display.[2] For the present no more was needed. The insurrection had been crushed, and on March 24 the Protector announced to the militia commissioners, appointed ten days before, that the danger was at an end. Thanking them for their zeal, he expressed his resolution to avoid unnecessary expense, in the hope that he would be thereby enabled to lighten the burdens on the people, and directed that the militiamen should not be called out unless some fresh danger made it needful to ask for their services.[3] The relief to the treasury brought about by the dismissal of the militia must have been most welcome to the Government. A day or two later the financial strain upon its insufficient resources was brought home to the Protector in an unexpected way. The soldiers of his lifeguard, finding that their pay was left in arrear, broke into his kitchen at Whitehall, and made their dinner off the dishes prepared for his own table. Oliver had too much sense to take offence, and, coming down to the rioters, he assured them that they should receive their pay before many days were over, and directed his servants to furnish them with what further provisions they needed.[4]

March 20. A review in London.

March 24. The militia not to be called out.

The Protector's dinner seized.

[1] Under the monarchy the militia had been organised by the lords-lieutenant appointed by the Crown. The innovation consisted merely in substituting bodies of commissioners for those functionaries.

[2] *Mere. Pol.*, E, 830, 23.

[3] Order Book of the Council of State, *Interr.* I, 76 a, pp. 26-34. On the previous organisation of the militia, see Vol. i. p. 298.

[4] Pauluzzi to Morosini, $\frac{\text{Mar. 31}}{\text{April 10}}$, *Venetian Transcripts, R.O.*

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It would need more thoroughgoing measures to provide for the whole army, and about the middle of April a committee of the leading officers was summoned to give advice on the situation. After some three weeks of deliberation they recommended a reduction in the pay of the soldiers, following in this the example which had been set by Parliament; and though they appear not to have as yet drawn up any direct scheme for diminishing the numbers of the army, they reported that it was desirable to proceed with the organisation of a militia of horse to be kept in reserve, in which each man should receive 8*l.* a year on condition that he attended musters once in three months, and was prepared to be called out when needed for the defence of the country. When this plan had been carried into effect, the further question of reducing the numbers of the standing army would necessarily come up for consideration, as if it was impossible to find pay for 57,000 regular soldiers, it was still more impossible to provide for a militia as well, even if the militiamen were only to receive a small retaining fee in ordinary times.

April. A committee of officers recommends the reduction of pay,

and the formation of a militia.

Before the end of May the scheme for the militia was adopted by the Council, and officers were named to command the troops about to be raised, whilst an announcement was made that whenever they were needed for service they would receive the same pay as was given to the cavalry of the standing army.[1] It was obviously necessary to connect these local forces with the general military organisation of the country, and on May 28—either by way of experiment or because the Western counties had been the scene of the recent insurrection—Desborough, being already

May. A militia to be raised.

Desborough to command it in the West.

[1] Downing to Clarke, April 24; —— to Clarke, May 13, *Clarke MSS.* xxvii. Nieupoort to the States General, *Add. MSS.* 17,677 W, fol. 82.

in command of the regular forces in the six Western counties, received a commission to command their militia as well.[1] Up to this point there was evidently no intention of creating a permanently embodied militia, and the Council therefore was able to discuss with the officers the question of reducing the army, hoping to bring the military expenditure within the limits laid down by Parliament as soon as this reduction had been carried out. In combining militia with regular troops the Government did but carry out the scheme of the dissolved Parliament. It was, however, one thing for the Protector and the officers to consent to reductions so planned as to leave the control over the militia in the hands of an elected House; it was another thing to save themselves from financial ruin whilst keeping the whole of the forces under their own direction.

1655 No permanent militia intended.

Had the opposition to the Protectorate been based solely on economical grounds, this programme would surely have been sufficient to ensure the support of the sober, hard-working classes. Unfortunately for Oliver, there were legal as well as religious and political susceptibilities to be taken into account, and he had already discovered that some at least of the judges were unwilling to accept the Instrument as a final constitutional settlement which they had no more business to question than the Caroline judges had any business to question the basis of the monarchy. The first note of judicial resistance was sounded by two of the judges, Thorpe and Newdigate, who, with other commissioners, were sent to York to preside over the trials of the insurgents captured in the North. On April 10 the two judges, together with a fellow-commissioner, Serjeant Hutton, wrote to the Solicitor-General, bringing forward

The judges and the Instrument.

Apr. 10. Legal difficulties.

[1] *Thurloe*, iii. 486.

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certain minor legal difficulties which stood in their way. Strickland, who, being himself a Yorkshire man, had influence in the North, was despatched to smooth these difficulties away, but he could only report that the root of the mischief lay deeper than had been imagined at Whitehall, and that the validity of the ordinance of treason was called in question.[1] As that ordinance had been issued, in full accordance with the provisions of the Instrument, before the meeting of Parliament, to throw doubts on its validity was tantamount to questioning the Instrument itself. If Oliver had remained passive when the objection was raised he must have been content to see the whole edifice of his Government topple over. As it was, Thorpe and Newdigate were summoned before the Council and dismissed from their posts.[2] Those who profited most by the intervention of the Protector were the Royalist prisoners in gaol. When, in course of time, other judges arrived at York on circuit, they contented themselves with imposing fines for riot or misdemeanour, and released those who were not convicted on bail.[3]

Apr. 17. The Instrument questioned.

May 3. Thorpe and Newdigate dismissed.

The prisoners released on bail.

The same question—that of the validity of the Instrument—was at issue in a still more important case before the Upper Bench at Westminster. In the preceding November a city merchant named Cony had not only refused to pay duty on a quantity of silk he had imported, but had violently expelled from his house the deputies of the Commissioners of Customs, in order to prevent them from making seizure of his goods. Being summoned before a committee of the Council for the preservation of the Customs, which had been

1654. Nov. 4. Cony refuses to pay Custom,

[1] Thorpe. Newdigate, and Hutton to Ellis, April 10; Strickland to Thurloe, April 17, *Thurloe*, iii. 359, 385.

[2] *Merc. Pol.*, E, 838, 4.

[3] Nicholas to Jane, Sept. $\frac{7}{17}$, *S.P. Dom.* c. 99.

appointed for the protection of the Commissioners, he found his legal objections disregarded, and was saddled with a fine of 500*l.* Refusing to pay, he was committed to custody. On this he applied for a writ of *habeas corpus* to the Upper Bench, where his counsel prudently contented themselves with urging that there were technical informalities in the procedure against him. The mistake having been acknowledged, he was imprisoned a second time upon a fresh warrant, in which his offence was plainly stated as arising out of a breach of an ordinance of December 29, 1653, whilst the powers of the Committee which had fined him were based on another ordinance of September 2, 1654. A further effort of counsel to restrict the question to technicalities having failed, the case came up on May 28 to be tried on its merits.[1]

Nov. 16. and is fined

Dec. 12. and imprisoned.

1655 Cony's case before the Upper Bench

May 28. is argued on its merits.

Thus driven into a corner, the three counsel, Twysden, Maynard, and Windham, boldly attacked the two ordinances as having no binding force whatever—Twysden particularly asserting that the fine imposed by the Committee of Council was condemned as illegal by the Star Chamber Act of 1651,[2] which had deprived the Privy Council of all jurisdiction over the property of the subject.[3] Maynard and Windham spoke to much the same effect.[4]

Arguments of counsel.

[1] A full account of these proceedings is given up to this point in Selwood's *Narrative of the Proceedings . . . in the Case of Mr. Cony*, E, 844, 4. The writer was evidently afraid of reporting the proceedings on May 28.

[2] 16 Car. I. cap. 10.

[3] "He also insisted much upon the Act for taking away the Star Chamber, whereof part was read, and from thence it was argued that the subjects were not to be imprisoned or their goods attached, but in a legal way, and on trial by jury, &c., and paralleled, as I conceive, the orders of the late Council"—*i.e.* the King's Privy Council—"with that ordinance whereby the Committee for preservation of Customs sat." Zanchy's statement. *S.P. Dom.* xcvii. 48.

[4] Nieupoort to the States General, May $\frac{18}{28}$, *Add. MSS.* 17,677 W, fol. 95.

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To question the validity of the Protector's power of taxation was, from a practical point of view, serious enough. It was even more serious that the ordinances which the lawyers declared to be of no authority could not be assailed without assailing the Instrument on which they were based.[1] Accordingly, the three were summoned before the Council, and on their refusal to retract their argument were committed to prison, only obtaining freedom upon acknowledgment of their offence.[2] To the Protector the most dangerous feature in the situation was that the Chief Justice shared in the scruples of the lawyers.[3] Rolle was therefore summoned before the Council on the very day on which he allowed the offensive speeches of Cony's counsel to pass without interruption, and it was probably in consequence of an arrangement

The Instrument attacked.

Imprisonment of the lawyers. June 1. Their release.

May 18. Chief Justice Rolle before the Council.

[1] If Article XXX. had stood alone, it might be possible to argue that it did not cover the case. It gave power to the Protector and Council to levy money for extraordinary forces till the meeting of Parliament, and empowered them 'to make laws and ordinances for the peace and welfare of these nations, . . . which shall be binding and in force until order shall be taken in Parliament concerning the same.' As no such order had been taken, the ordinances made prior to Sept. 3, 1654, were still binding; but it was perhaps possible to argue that this did not apply to ordinances enforcing taxation. Reference must be made to Art. XXVII., which settles a constant revenue to support 30,000 soldiers and 'a convenient number of ships for guarding the seas,' and other purposes, 'which revenue shall be raised by the Customs, and such other ways and means as shall be agreed upon by the Lord Protector and Council, and shall not be taken away or diminished, nor the way agreed upon for raising the same altered, but by the consent of the Lord Protector and the Parliament.' The Customs, therefore, were granted to the Protector by the Instrument itself.

[2] See Vol. ii. 314. Nieupoort to the States General, May $\frac{1}{2}\frac{8}{8}$, June $\frac{8}{18}$, *Add. MSS.* 17,677 W, foll. 95, 110*b*. Compare *Perfect Proceedings*, E, 842, 6.

[3] At that time, at least, lawyers were occasionally governed by words. Rolle, who had scruples about the Instrument, had, together with the other judges of the Upper Bench, acknowledged the right of the Nominated Parliament to commit prisoners simply because that anomalous body chose to call itself a Parliament. See Vol. ii. p. 314.

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then made that he adjourned the case till the following term. Before its commencement he resigned his office, and was succeeded by the time-serving Glyn. Before Glyn took his seat Cony, aware that his case was now hopeless, submitted to necessity, and obtained his liberation on payment of his fine.[1] Later in the year Sir Peter Wentworth had the collectors of the assessment in Warwickshire arrested and prosecuted. His case differed from that of Cony in that he declared the exaction to be contrary not only to the law, but to the Instrument as well. Being summoned before the Council, Oliver asked him whether he would withdraw his action or no. "If you command me," replied Wentworth, "I must submit." The command was given, and Wentworth was allowed to return home without further interference.[2]

June 7. He resigns his office.

Cony submits.

July. Wentworth has the collectors of the assessment arrested,

Aug. 20. but submits.

That Oliver should have been driven to deprive no less than three judges of their posts because they refused to recognise the very basis of his Government was significant of the legal weakness of his position. It was hard to find independent lawyers to accept the doctrine that a few military officers were justified in giving a Constitution to the country. That a large body of opinion was on the side of the lawyers was indicated by the fact that, when once the constitutional question had been reached not a single newspaper stated the reasons for the dismissal of the three judges,

Significance of the deprivation of the judges.

[1] *Ludlow* (ed. Firth), i. 413. That Cony paid his fine is shown by Nieupoort's despatch of June $\frac{8}{18}$ (*Add. MSS.* 17,677 W, fol. 110*b*). His submission, therefore, took place on or before the 8th. A report of part of the case in one of its earlier stages adds: "Mes apres le matter fuit extrajudicialment determine perenter le Protector et luy, issint que le legality de dit imprisonment et le validity del ordinance fait per le Protector et son counsaile ne fuit adjudge." *Hargreave MSS.* 48, fol. 45.

[2] *Ludlow*, i. 413, 414; *S. P. Dom.* c. 44; Council Order Book, *Interr.* I, 76, p. 252.

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and that even the Government did not venture to justify its case in public.

The need of law reform.

In the long run, however, a Government is never ruined by constitutional defects in the basis on which its authority is founded, but by its failure to administer remedies to grievances generally felt. If one grievance more than another had been held up as crying for remedy, it had been that of law reform, especially in the Court of Chancery. Hitherto the Ordinance for the Reformation of Chancery had been in abeyance, in consequence of the resistance of the judges. On April 23 the three Commissioners of the Great Seal—Lisle, Whitelocke and Widdrington—as well as Lenthall, the Master of the Rolls, were summoned before the Council, and ordered in the Protector's name to put the ordinance in execution. Lisle alone declared his readiness to comply with the order. Lenthall characteristically led the chorus of objection by complaining that the new ordinance would reduce his income; but both he and the other recalcitrant commissioners had more than their own interests to plead. Both on this occasion and on several others the arguments showed that, if the reluctance of the Chancery lawyers was to some extent founded on mere official conservatism, it was also based on fear of the evil consequences likely to result if hard rules were substituted for a more flexible system. It was not till June 6 that the crisis came to a head. On that day Whitelocke and Widdrington resigned office rather than give way. Lenthall, who had boasted that he would be hanged at the Rolls Gate before he would execute the ordinance, shrank from the sacrifice and promised compliance.[1] On June 15 Fiennes was

Apr. 23. The Chancery judges asked to accept the Reform Ordinance.

Their objections.

June 6. Resignation of Whitelocke and Widdrington.

June 15. Lisle and Fiennes to be Commissioners.

[1] Arguments of the Commissioners, April 23, *Carte MSS.* lxxiv.

given as a colleague to Lisle, Whitelocke remarking that, of the two Commissioners now presiding over the Court of Chancery, one 'never had experience in matters of this nature, and the other had as little knowledge of them till, by accompanying us, he gained some.' Oliver, on the other hand, having no wish to lose the services of men who had acted against their own interests from conscientious motives, named Whitelocke and Widdrington Commissioners of the Treasury, with Colonels Montague and Sydenham as their colleagues.[1] From this secure retreat Whitelocke regarded the proceedings of his successors with a critical eye, and took pleasure in recording that they failed either wholly or partially in carrying out the ordinance which they had undertaken to enforce.[2]

Whitelocke and Widdrington Commissioners of the Treasury.

In the course of the discussion Whitelocke had thrown out a suggestion which, if it had been accepted, might have paved the way to better results. Might not the Commissioners 'have leave to offer regulations to my Lord which shall be as effectual as those proposed in the ordinance?'[3] The Protector's reply is not recorded, but experience must have made him distrustful of any mere regulations of the court issued by lawyers so conservative as Whitelocke and Widdrington.

A suggestion from Whitelocke

To those who had looked hopefully to the Protectorate as a centre of reforming energy, the discovery that its powers were spent must have

50; *Whitelocke*, 621–27. See the remarks of Mr. Inderwick in *The Interregnum*, 224–29.

[1] *Whitelocke*, 627.

[2] *Ib.* 625. Whitelocke's expressions are somewhat obscure, but it seems hardly likely that the ordinance should have been left wholly unexecuted, though it may have proved impracticable in some of its details.

[3] Arguments of the Commissioners, April 23, *Carte MSS.* xxiv. 50.

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been far from agreeable, and it can hardly be wondered at that a movement sprang up—not without considerable support outside Oliver's immediate surroundings—for the revival of the kingship in the person of the Protector, with the object of settling men's minds and assuring the permanence of civilian government.[1] By returning to the old Constitution the difficulties raised in the last Parliament would be laid aside, and, though Oliver's power would undoubtedly be diminished rather than increased, he might possibly think himself compensated by the growing number of adherents on whom he would be able to count. So widely spread was the expectation of an impending change that on June 1 a large crowd assembled at Westminster, expecting to hear that the Protector would announce his purpose to assume the Crown, or at least that he would claim the right to exercise legislative power.[2] There can be little doubt that the first of these two proposals had been seriously discussed in the Council; and there is good reason for believing that the preparation of the first great seal of the Protectorate was delayed because it was still uncertain whether the new title to be inserted in it was to be that of king or emperor.[3] It may fairly be assumed that the proposed assumption of the kingship was recommended by the civilian members of the Council; whilst the officers advocated the title of emperor because, being unknown to the English constitution, its holder might assume under it any power he chose,

Proposed revival of the kingship.

June 1. A crowd at Westminster.

The assumption of a new title favoured by civilians.

The officers prefer a revival of the power to issue ordinances.

[1] Pauluzzi to Morosini, May $\frac{13}{23}$, $\frac{23}{33}$, *Venetian Transcripts, R.O.*

[2] Mabbott to Clarke, June 2, *Clarke Papers*, iii. 41; see *Perf. Proceedings*, E, 842, 6.

[3] Coyet to Charles X., June 1, 8, *Stockholm Transcripts*. The story about the great seal is to some extent borne out by the fact that the first seal of the Protectorate was not finished till some time after this date.

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and especially that of issuing ordinances, which, in accordance with the Instrument, had lapsed at the meeting of the late Parliament.[1] It was understood that Oliver had, tentatively at least, given his adhesion to the last-named plan, either with or without a change of title, and that a council of officers had been summoned to take the proposal into consideration.[2] The army had produced the Instrument. Why should it not amend a constitution which it had itself brought into existence?

A council of officers summoned.

Difficulties in the way.

When, however, this council came together, further consideration only served to bring out the obstacles in the way—obstacles which could only be increased by the formulation of a definite plan for surrounding the Protector—by whatever title he was thenceforward to be known—with a body composed of the councillors, a certain number of officers, and

[1] "His Highness, by not making it"—*i.e.* the declaration for collecting the assessment—"an ordinance, hath modestly denied to assume the legislature of the nation, though satisfied by many able judges and lawyers that he may legally do it." —? to Clarke, Feb. 13, *Clarke Papers*, iii. 22. I cannot imagine what the arguments of the judges and lawyers can have been.

[2] "Di già s'intende che d' intelligenza con li capi et officiali principali dell' armata habbi à seguire un gran consiglio da guerra in cui l' articolo principale sarà quello d' invitare il medesimo Protettore à riasumere in se il potere jurislativo, con il quale potrà riordinare questo punto importante della confusa giustitia, formare, e riformare quelle leggi che piu li aggradissero et in fine serrar la bocca à molti, e chiuder ad ogn' uno le speranze de' nuovi Parlamenti in Inghilterra. Questo ho inteso si progetti dalle genti d'armi di concerto di quest' Altezza." Pauluzzi to Morosini, June $\frac{14}{24}$, *Venetian Transcripts, R.O.* The words 'riasumere' and 'riordinare' bear out the supposition that no more was intended than the revival of the lost power of issuing ordinances in the intervals of Parliament. This is borne out by the language of a Royalist who writes on June $\frac{17}{27}$: "We expect daily a declaration from the army where the legislative power must reside in the vacancy of Parliament, which infallibly will be in the Protector and Council" (*Nicholas Papers*, ii. 353). The suggestion towards the end of Pauluzzi's letter may doubtless be taken merely as an expression of opinion from one or two violent spirits.

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twelve lawyers, whose resolutions were to have the force of law.[1] A scheme so offensive to English feeling could never have been made acceptable to the civilian members of the Council. At one time it had been hoped that the change might have been announced and the disputed points of law settled before the new term commenced on June 15,[2] but that hope had now to be abandoned.

From soldiers Oliver turned to the lawyers. If the army had declared against the assumption of the kingly title,[3] the lawyers no less decisively declared against any assumption of legislative power without the authority of Parliament.[4] Towards the end of June the idea sprang up of bringing together in London a consultative body of civilian officials gathered from every part of the country.[5] No such

A projected assembly of civilians.

[1] Coyet to Charles X., July 20, *Stockholm Transcripts*.

[2] "Con l' aviso de' principali capi et officiali dell' armata va il Protettore divisando e disponendo di rissolvere alcuna cosa per riddurre a qualche buon stato l' ordine della giustitia nella confusione sua valevole a partorire maggiori sconcerti, et a far pervenire all' orecchio dell' Altezza sua sempre più vive le doglianze di popoli, et perciò tutto tende ai concerti di riassumere in se tutto il potere jurislativo, che dall' armi solamente li può esser conferito, et in occorenza vigcrosamente sostenuto, per l'abbolitione di quelle vecchie leggi, et institutione de nove che più adequarsi potessero al particolare servizio dell' Altezza sua, onde quest' è la materia che al presente più importa, parendo che senza vestirsi il Protettore d' altro titolo, non possa aggiustatamente decretarsi et pur questo, scuoprendosi molti e molti dell' Armata stessa con buone ragioni più rennitenti che inclinati. Resta incombenza del Protettore, il pensare ai più proprii ispedienti per veder a qualche buon segno ridotto questo importante articolo prima del maturar del termine giuditiario che sarà fra pochi giorni." Pauluzzi to Morosini, June $\frac{1}{2}\frac{3}{3}$. *Venetian Transcripts, R.O.*

[3] In a letter to Fleetwood on June 22 Oliver wrote that 'the noise of my being crowned, &c., are . . . malicious figments,' *Carlyle*, Letter cxcix. Oliver, it will be observed, says nothing about the legislative power.

[4] "La pluralità di quali"—*i.e.* of the lawyers—"accordono che senza l'auttorità d' un Parlamento non possa ciò farsi." Pauluzzi to Morosini, June $\frac{1}{2}\frac{3}{3}$. *Venetian Transcripts, R.O.*

[5] "In questa settimana devono capitare qui in Londra tutti gli

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assembly was, however, called into being, and the thought of making any further changes in the Constitution was dropped for some time to come. Dissatisfaction with the resourcelessness of the Government, however, appears still to have prevailed amongst some members of the Council, and it was probably their opinion which found expression in a petition drafted, but probably not originated, by a certain John Norbury,[1] and largely signed in the City. Those whose names were appended to it asked that the Protector should resume the legislative power in order to effect certain legal reforms, and especially to remove the injustice of the actual law of debtor and creditor. Taking a leaf from the authors of *The Agreement of the People*, the promoters of this petition proposed to obtain subscriptions in every county in sufficient numbers to give to their plan constitutional authority at least as good as that of the Instrument. After this had been done it was hoped that Oliver, having carried into effect the objects for which this new dictatorship was conferred on him, would consent to summon another Parliament. By this time, however, the Council, as a whole, was in no mood to run the Protectorate into danger by shifting the basis of the Government, and on August 10 strict orders were given for the suppression of Norbury's petition, on the distinct ground that it contained proposals incompatible with

July 30. A petition for alteration in the Instrument.

Aug. 10. The petition suppressed.

giudici, commessarii e luogotenenti che siano nelle Provincie admessi dal medesimo Protettore." *Ib.* June 24. July 4.

[1] On August 14 Norbury stated that he had only drawn up the petition as a lawyer for his clients. He was a small Chancery official who had complained of his loss of income by the Chancery reforms, and hardly the man to originate a scheme of this kind. See a petition signed by him on March 29, *S.P. Dom.* xcv. 80. The political petition is stated by Thomason as being 'cast about the streets in the night July 30.' Mrs. Everett Green incorrectly calendared it under August 10, the day on which Norbury appeared before the Council.

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the Instrument.[1] This step was taken at the instance of the officers, who, though they had originally suggested the project of reviving the legislative power, now dropped it in favour of the opposite plan of adhering literally to the prescriptions of the Instrument, as the sheet-anchor of the Protectorate.[2]

The officers drop the plan of reviving the legislative power.

Since the officers had been caught by the notion of remodelling the Instrument the fact had been brought home to them, as well as to the Protector, that troublous times were still to be confronted, and that it would be in the highest degree dangerous for them to embark on fresh constitutional experiments. It is true that on May 18, when the Royalist movement appeared to have been entirely suppressed, the Government had been so far satisfied with the peacefulness of the outlook as to content itself with ordering the transportation to Barbados of no more than seven persons. Of these, one—Anthony Jackson—had proclaimed Charles as king of England before his defeat at Worcester. Three others—Somerset Fox, Francis Fox, and Thomas Saunders—had been implicated in the assassination plot of 1654, whilst Colonels Grey and Gardiner, together with Rowland Thomas, had taken a leading part in the recent conspiracy. An eighth, James Hodges, was charged, not with treason, but with 'high misdemeanours.' Two of the persons affected by this sentence—Grey and Jackson—were spared on account of the weakness of their health; and Hodges, too, appears to have

The officers alarmed.

May 18. Five persons transported to Barbados.

[1] Norbury's Petition, Aug. 10, *S.P. Dom.* c. 21. For the proceedings against Norbury see Council Order Book, *Interr.* I, 76, pp. 231, 233. "A petition," wrote Mabbott to Clarke on August 11, "is carrying on in several places here for his Highness to assume the title of emperor or king: the subscriptions will be many; there is not any of them yet presented to his Highness," *Clarke Papers*, iii. 48. As no such title was suggested in Norbury's petition, which was, moreover, suppressed the day before these words were written, it looks as if other petitions were in circulation.

[2] Pauluzzi to Morosini, Sept. $\frac{17}{7}$, *Venetian Transcripts, R.O.*

been ultimately allowed to remain in England. If so, five only were forced to depart to what, at the best, was a cruel, though but a temporary, captivity.[1] One of those transported—Somerset Fox—had already been condemned to death, and it was probably thought sufficient excuse for the transportation of the others that the death sentence would almost certainly have been passed upon them if they had been sent before a jury.[2]

[1] Warrant, May 18; Barkstead to Thurloe, March 25, 1660, *Thurloe*, iii. 453; vii. 639. In the last-named letter Hodges' name is not mentioned among those put on board ship.

[2] Prisoners and others sent to Barbados or elsewhere in America are frequently spoken of as having been sent into slavery. If the word is used rhetorically it may be true enough. The petition of Marcellus Rivers and Oxenbridge Foyle, after their return to England in 1659—they having been among the prisoners charged with participation in Penruddock's rising, and transported later in the year to Barbados—shows their condition, even if allowance is made for exaggeration, to have been deplorable enough. "Being sadly arrived at Barbados," they say, "the master of the ship sold your miserable petitioners and the others, the generality of them to most inhuman and barbarous persons, for 1,550 pounds weight of sugar apiece . . . as the goods and chattels of Martin Noel and Major Thomas Alderne of London and Captain Henry Hatsell of Plymouth, neither sparing the aged of threescore years old, nor divines, nor officers, nor gentlemen, nor any age or condition of men, but rendered all alike in this most insupportable captivity, they now generally grinding at the mills, attending furnaces, or digging in this scorching island, having nothing to feed on—notwithstanding their hard labour—but potato-roots, nor to drink but water with such roots mashed in it . . . being bought and sold still from one planter to another, or attached as horses and beasts for the debts of their masters, being whipped at the whipping-posts as rogues for their masters' pleasure, and sleep in styes worse than hogs in England, and many other ways made miserable beyond expression or Christian imagination" (*England's Slavery*, p. 4, E, 1,833, 3). It is, however, certainly not the case that these men were condemned to a lifelong servitude, though they were not allowed, after their time of service had expired, to leave the island. "The custom of all merchants trading thither," writes F. Barrington, who visited Barbados in 1655, "is to bring as many men and women as they can. No sooner doth a ship come to an anchor but presently the islanders go aboard her inquiring what servants they can buy. If they are above seventeen years of age, they

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May 21. Eight prisoners sent from the Tower into confinement in the country.

In any case, we have to do with an evasion of the law. Three days later seven prisoners in the Tower—five Scots who had been confined there since the battle of Worcester, Crawford, Lauderdale, Kellie, Sinclair, and David Leslie—were, together with three Englishmen—Grandison, and the two Ashburn-

serve but four years, according to the law of the island; but if under seventeen, then left to the discretion of the merchant as he can agree with the planter. These servants planteth, weedeth, and manureth their ground, all by hand. . . . The freemen . . . are such who served in the country for their freedom, or paid their passage when transported from England" (F. Barrington to Sir John Barrington, July 14, 1655, *Hist. MSS. Com. Rep.* vii. App. 571). Ligon, writing a little later, puts the service at five years. "The island is divided into three sorts of men, viz. masters, servants, and slaves. The slaves and their posterity, being subject to their masters for ever, are kept and preserved with greater care than the servants who are there but for five years, according to the law of the island. . . For the time the servants have the worse lives, for they are put to very hard labour, ill lodging, and their diet very slight. . . . Truly I have seen such cruelty done to servants as I could not think one Christian could have done to another; but as discreeter and better-natured have come to rule there, the servants' lives have been much bettered, for now most of the servants lie in hammocks and in warm rooms; and, when they come in wet, have shift of shirts and drawers, which is all the clothes they wear, and are fed with bone meat twice or thrice a week" (Ligon's *Hist. of Barbados* (ed. 1657), pp. 43, 44). The early laws on the subject are not printed by Rawlins in the *Laws of Barbados*, probably because they were superseded by the law of 1661, by which seven years' service is appointed under the age of seventeen, and five years above that age (*ib.* p. 30). In answering Rivers' petition in 1659, Noel, the merchant who sent over Colonel Gardiner and the others, declared that 'indeed the work is hard, but none are sent without their consent.' It is, indeed, not unlikely that the form of asking consent was gone through to save appearance. Noel goes on to say: "They serve most commonly five years, and then have the yearly salary of the island. They have four times of refreshing, and work but from six to six; so it is not so hard as is represented to you; not so much as the common husbandman here" (Burton's *Diary*, iv. 258). This is, of course, an interested view of the situation. For an exhaustive study of the position of servants—as opposed to slaves—in Virginia, see Bruce's *Economic Hist. of Virginia*, i. 572–634, ii. 1–57.

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hams—removed to various prisons in the country.[1] On the same day Lord Byron, who had been implicated in the late conspiracy, was arrested with a companion near Covent Garden.[2] This arrest was probably made in consequence of a fresh search among the houses in London likely to harbour Royalists, a precaution adopted in consequence of information received from a young man named Henry Manning, who had arrived at Charles's Court in the early part of the year. Finding himself, like many of his companions in misfortune, reduced to the direst straits, Manning resolved to ward off starvation by supplying intelligence to Thurloe. Since March 26[3] he had been writing diligently to the Secretary. Though not admitted to the secret counsels of the Court, he was able to pick up a considerable amount of information, which he committed to paper for Thurloe's benefit.[4] He had much to say on the movements of Royalists engaged against the Government, and the fictitious names by which some of them passed in England. In a letter written

Arrest of Lord Byron.

March–May. Manning's reports.

[1] Nieupoort to the States General, $\frac{\text{May } 25}{\text{June } 4}$, *Add. MSS.* 17,677 W, fol. 100; *A Perfect Account*, E, 842, 4. There were rumours that they were to have been sent to the plantations. If this was contemplated, their imprisonment in England must be regarded as an act of clemency. Pauluzzi's statement on June $\frac{8}{18}$ (*Venetian Transcripts, R.O.*), that Grandison committed suicide on the way, is devoid of truth, as on August 30 he was in the Isle of Wight, and was soon afterwards liberated with the Earl of Kellie. Petition and order, August 30, *S.P. Dom.* c. 66; Council Order Book, *Interr.* I, 76, p. 259.

[2] Nieupoort to the States General, $\frac{\text{May } 25}{\text{June } 4}$, *Add. MSS.* 17,677 W, fol. 100; *Perf. Proceedings*, E, 840, 5.

[3] His first letter was written on March $\frac{23}{13}$, *Thurloe*, iii. 190; but for want of a cipher he sent no intelligence till the date named. Even then no cipher had been received, but he seems to have disregarded the difficulty in the hope of winning Thurloe's confidence; see *Nicholas Papers*, iii. 149.

[4] Manning to Thurloe, $\frac{\text{March } 26}{\text{April } 5}$ April $\frac{3}{13}$, *Thurloe*, iii. 338; May [?], *S.P. Dom.* xcvii. 109.

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on May 11, which must have been in Thurloe's hands before orders were given for the search which resulted in Byron's capture, Manning, after imparting a considerable amount of information about the persons embarked in the late conspiracy, with details of persons and places which do not appear to have hitherto reached the Government's ear, added that many Royalists had proposed to assassinate the Protector, though he acknowledged that Charles was 'not forward to have it done.'[1]

He suggests the existence of a murder plot.

His information on persons involved in the last plot.

Whether Manning had or had not yielded to the temptation to exaggerate his knowledge of projects on which he can have had no more than second-hand information,[2] his statements about persons were precise and definite. So far as appears it was this part of the charge which took most hold of the Protector's mind. "We are able," he said in the following year, "to make it appear that persons who carried themselves the most demurely and fairly of any men in England were engaged in this business."[3] Unable to enter into the feelings which nestled in their aggrieved hearts, he ascribed their conduct to pure malignity, and came to the conclusion that, whether they were actively engaged in a new conspiracy or not, it was essential to deprive them of the means of doing harm. In the first week in June several prominent Royalists were arrested. On June 9 Lord Willoughby of Parham, Lord Newport[4] and his brother, with Geoffrey Palmer and Henry

June. Royalists arrested.

[1] Manning to Thurloe, May $\frac{1}{11}$, *Thurloe*, iii. 428.

[2] It will, however, be seen that later in the year there was indubitably a plot to assassinate Oliver. It is clear from references in Manning's letters that others were written which have not reached us, so that we cannot tell how much more he disclosed.

[3] *Carlyle*, Speech V. Oliver directly attributed his information to Manning, who was then no longer alive.

[4] Lord Newport of High Ercall, not the Earl of Newport.

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Seymour, were sent to the Tower. The Earl of Lindsey, Lord Lovelace, Lord Falkland, and many others had already been seized in Oxfordshire,[1] and the action of the agents of the Government in other counties was no less prompt. Before long Lambeth and St. James's were crowded with imprisoned Royalists, and when room failed in London, country prisons had to serve the turn. It is true that the confinement was made as easy as was compatible with privation of liberty. "We are not kept close," wrote one of those under arrest at St. James's, "nor are our friends kept from us."[2] All through June the arrests were numerous,[3] Lords Coventry, Maynard, and Petre being amongst the victims. Before the end of the month no less than thirty-five Royalists were confined at Lynn alone.

The prisoners arrested on suspicion.

Against these prisoners no definite charge was brought. They were, as the Protector afterwards allowed, arrested merely on suspicion. If a new plot was in the air—and there can be little doubt that it was—it would be well to anticipate its outbreak by rendering innocuous all who were likely to take part in it. Before long Oliver's anxiety took a new turn. By the end of June Manning's letters began to point more clearly to a resolution of some, at least, of the Royalists abroad to resort to the murder of the Protector as a preliminary to another insurrection,[4] and it must have been to guard against such a contingency

Information that another rising is proposed, and of a murder plot.

[1] Council Order Book, *Interr.* I, 76, p. 130; Croke and Smith to the Protector, June 6, *Thurloe*, iii. 521; Nieupoort to the States General, June $\frac{1}{2}\frac{6}{6}$, *Add. MSS.* 17,677 W, fol. 113; *The Perf. Diurnal*, E, 843, 4.

[2] Sir R. Verney to E. Verney, June 22, *Verney MSS.*

[3] Nieupoort to the States General, $\frac{\text{June } 29}{\text{July } 9}$, *Add. MSS.* 17,677 W, fol. 121; *The Faithful Scout*, E, 845, 3; *Perfect Proceedings*, E, 845, 12.

[4] Manning to Thurloe, $\frac{\text{June } 23, 26}{\text{July } 3, 6}$, *S. P. Dom.* xcviii. 45, 52.

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July 6. Royalists banished from London.

that orders were given on July 6 for the banishment from London and Westminster of all who had adhered to the Royal cause. Their enforced sojourn in the country was to last till October 20, when the commencement of Michaelmas Term would require the presence of many of them in the courts of law. It is hardly necessary to prove by evidence that the English Royalists[1] were quite ready to engage in a fresh insurrection if circumstances offered a chance of success, and it is now known[2] beyond dispute, not

[1] A letter from Major Armorer does not go so far as to be quoted in evidence, but it shows what the temper of the Royalists was and, it may fairly be added, must have been. "Saturday last," he writes—Saturday was June 9, the day of the arrest of a large number of Royalists—"was a sore blow to your Majesty's good friends, who were both willing and able to serve you. . . . That sad misfortune has hindered me to make some propositions to your Majesty from some that I heard upon the way, as I left London, were amongst the number of those taken. . . . God has yet preserved some, that truly I hope cannot come under suspicion, who are both willing, and I hope will be able, to serve you. I am by their order to inform them, as soon as your Majesty thinks fit, which way your Majesty will be served by them. If it be the way my Lord Rochester proposed, they have promised to prepare their friends for it. If your Majesty resolve any other, they have appointed me a way how to let them know it when it shall be seasonable." Armorer to Charles, June 24, *i.e.* $\frac{14}{4}$, *Thurloe*, i. 695.

[2] "There is a proposition has been made to me which is too long to put into a letter, so that I will, as short as I can, let you know the heads of them. There are four Roman Catholics that have bound themselves in a solemn oath to kill Cromwell, and then to raise all the Catholics in the City and the army, which they pretend to be a number so considerable as may give a rise for your recovery, they being all warned to be ready for something that is to be done, without knowing what it is. They demand 10,000 livres in hand and, when the business is ended, some recompense for themselves, according to their several qualities, and the same liberty for Catholics in England as the Protestants have in France. I thought not fit to reject this proposition, but to acquaint you with it, because the first part of the design seems to me to be better laid and resolved on than any I have known of that kind; and for the defects of the second, it may be supplied by some designs you may have to join to it. If you approve of it, one of the four, entrusted by the rest, will repair to

only that the murder-plot was no figment of Manning's brain, but that it had received the countenance of no less a personage than the Duke of York.

you, his charges being borne, and give you a full account of the whole matter." The Duke of York to Charles, *May* $\frac{1}{11}$, *ib.* i. 666. Though both this and the letter quoted in the last note are printed in the Thurloe collection, neither of them was ever in the hands of the Protector or his ministers, having been communicated to the editor by the Archbishop of Canterbury from the manuscript originals. These are now in the Lambeth Library (Vol. 645, No. 33), forming part of the Tenison collection.

CHAPTER XL.

THE MAJOR-GENERALS.

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THE political situation had been much changed since the dissolution in January, when the Protector had set out with the intention of governing in accordance with the Instrument, so far as it was possible for him so to do. Insurrectionary movements had followed closely on one another, varied by an occasional plot for the assassination of the Chief of the State. Fruitless as had been the discussions on a change of the Constitution, it is not unlikely that they resulted in a tacit understanding that, though there were no means of changing the law, there should hereafter be less scruple in breaking it wherever the safety of the existing Government was concerned. In later times Parliament would have suspended the action of the Habeas Corpus Act, and have thereby empowered the Executive to take exceptional measures for the safety of the State. Such a course being out of the question, the Protector had no choice but to succumb to the wave of conspiracy which beset him, or to resort to measures which could not be justified by law. We may blame him, if we will, for not having thrown down his arms before a Parliament aiming, consciously or unconsciously, at sovereignty, but our blame may well be moderated when we remember that he was striving not for the gratification of personal ambition, but for the

The political situation.

The Protector and the law.

maintenance of a Constitution which, at least in its main provisions, he firmly believed to have been framed in the best interests of the nation. It is usual to compare the position thus assumed by the Protector with that which had been maintained by Charles I. Both were contending against the same antagonist—a Parliament resolved to subject all other institutions in the State to its sole will and pleasure. Both set aside without compunction the duty of subordinating their actions to the nation's will, on the ground that the nation was ill-informed, petulant, and hostile to its own surest friends. The difference between the two men lay, in the first place, in the support given by Charles to a system of external obedience and conformity, whereas Oliver strove for a system of the utmost practicable liberty in thought and belief; and, in the second place, in Charles's habit of clinging to formal legality, whilst Oliver, having an army at his back, preferred to break openly through the meshes of the law when they entangled his feet. Charles, when necessity arose or appeared to arise, fumbled over the knot of his destiny in his effort to unloose it; Oliver hacked at it with his sword. It may at least be set down to the Protector's credit that, when he sinned, he sinned boldly.

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Comparison between Oliver and Charles I.

Oliver's defence of his conduct in arresting Royalists and keeping them in custody without legal warrant was plainspoken enough. "If this be the case," he said, after setting forth from his own point of view the history of the late disturbances, "between us and the late King's party—to wit that they have notoriously manifested it to the consciences of all men that they do not only retain their old principles, and still adhere to their former interest in direct opposition to the Government established, but have

The Protector on his defence.

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been all along hatching new disturbances and endeavouring, as well by secret and bloody assassinations as by open force, to introduce the one and overthrow and subvert the other, it will not be thought strange upon any account whatsoever that we did lately secure so many of the men of that interest, although they were not visibly in arms upon the late insurrection."[1]

July 26. The new establishment for the army

Yet, if the Protector and the army on which he based his power were to maintain this defiant attitude, the financial necessities of the Government rendered it necessary not merely to reduce the soldiers' pay, as had been proposed in April,[2] but also to diminish the numbers under arms. With this object in view a new establishment for the army in Great Britain, bringing down the number of men in each regiment of foot to 800, and in each regiment of horse to 300, was adopted by the Council on July 26, and confirmed by

July 31. confirmed by the Protector.

the Protector on the 31st.[3] England was to be guarded by seven regiments of horse and five of foot; Scotland by seven of horse and thirteen of foot. Including the soldiers in garrison, together with the officers and non-combatants, such as chaplains and surgeons, the whole force in the two countries scarcely exceeded

The numbers of the army reduced,

21,000 men;[4] though unluckily, it was impossible to effect a reduction on the same scale in Ireland which would bring down the numbers of the whole army to the 30,000 contemplated by the Instrument. Secure of the support of the superior officers, the

and its pay.

Council did not hesitate to cut down the pay of the cavalry from *2s. 6d.* to *2s. 3d.* a day, and of

[1] *A Declaration of His Highness*, p. 13; E, 857, 3.

[2] See *supra*, p. 148.

[3] Council Order Book, *Interr.* I, 76a, p. 107. In one case an infantry regiment was allowed to contain 700 only.

[4] 14,780 foot, 4,245 horse, 1,944 officers. There were also a certain number of soldiers of the train.

the infantry from 10*d.* to 9*d.*, soldiers in garrison being even reduced to 8*d.* The reduction was somewhat less than that contemplated by Birch,[1] and was justified for the same reasons as had weighed with the Committee of which he was the chairman. When this measure had been carried out it would be possible to satisfy the claims of the army in Great Britain out of the assessment, leaving 290,000*l.* a year to meet the wants of the army in Ireland.[2]

Fresh demands on the revenue.

Such, at least, was the result on paper. Contingent expenses were, however, certain to arise unexpectedly, and amongst these the most burdensome was caused by the absolute necessity of providing some means of averting those Royalist plots and insurrections which had recently kept the Government continually on the alert. Always ready to carry out the ideas of the dissolved Parliament, so far as they could be made consistent with the strengthening of his own position, Oliver had already proposed to supplement the regular army by a local militia. For the attainment of this object he had already before the end of June actually embodied the new militia, instead of retaining the services of the men by a small payment, whilst leaving them their homes to carry on their ordinary avocations in accordance with the scheme adopted by the Council in the preceding month.[3] This militia, consisting of volunteers who offered themselves from amongst the known supporters of

A local militia to be raised.

[1] According to Birch's report, the cavalry pay was to have been 2*s.*, the infantry pay 8*d.* See *supra*, p. 80.

[2] The monthly pay of the army in England and Scotland was to be 50,486*l.* 11*s.* 4*d.*, which, taking the year at thirteen lunar months, gives an annual payment of 656,325*l.* 7*s.* 4*d.* Putting this at 670,000*l.* to allow for contingent expenditure, there remains 290,000*l.* for Ireland out of the 960,000*l.* which was the assessment of the three nations.

[3] See *supra*, p. 148.

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the Government, was now raised in each county, numbering for the whole of England 6,020 horse and 200 foot. The annual expense of the new force was estimated at 80,067*l.*[1] Each of the troops into which this militia was divided was, as usual, commanded by its captain, but these troops were not formed into regiments. The purpose of the Government was to extend to the whole kingdom the system which prevailed in the West, where Desborough, with the style of major-general, would have commanded the militia of six counties whenever they were called out.

Its numbers and organisation.

Aug. 9. The militia placed under the command of ten Major-Generals.

Aug. 22. Instructions to the Major-Generals.

Accordingly, on August 9 ten officers were named to take the command, with the rank of Major-General, of the militia in the ten districts into which it was at this time proposed to divide England.[2] On August 22 Instructions were drawn up, the preamble to which plainly states the intentions of the Protector. "Whereas," it began, "we have—by the advice of our Council, for the preservation of the peace of the Commonwealth, and the preventing, obviating, and breaking the designs of the enemies thereof, who are still restless and unwearied in their endeavours to beget new troubles, and to put the nation into blood and confusion—thought fit to commissionate several persons of honour and approved integrity to raise, enlist, and command . . . troops of horse." The officer named in the Instructions was to take the command over these troops in the group of counties assigned to him, with the title of Major-General. With the authority thus conferred on him he was, in the first place, to attend

[1] Council Order Book, *Interr.* I, 76, p. 861. The 200 foot were stationed at Norwich.

[2] *Ib.* p. 226. As the districts were subsequently changed, and their number increased to eleven, it is unnecessary to enter into particulars at present.

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to the discipline of the force under his orders, 'to suppress all tumults, insurrections, rebellion, and other unlawful assemblies,' and for that purpose to march at their head, not merely within his own district, but wherever he saw fit in England or Wales. Secondly, he was to see that the arms of all Papists and Royalists were taken from them. Thirdly, highways were to be made safe, and robbers and highwaymen secured and prosecuted according to law. Fourthly, a strict eye was to be kept on the carriage of the disaffected, and no 'horse-races, cock-fightings, bear-baitings, or any unlawful assemblies' permitted, on the ground that rebellion was usually hatched at such meetings. Fifthly, idlers and persons having no visible means of subsistence answerable to their expenditure were to be sent out of the Commonwealth, whilst the execution of the laws for the benefit of the poor was urged. Sixthly, the Major-Generals were, by their 'constant carriage and conversation, to encourage and promote godliness and virtue, and discourage and discountenance all profaneness and ungodliness,' and to 'endeavour—with the other justices of the peace and other ministers and officers who are entrusted with the care of those things—that the laws against drunkenness, profaneness, blaspheming, and taking of the name of God in vain by swearing, cursing, and suchlike wickedness and abominations, be put in more effectual execution than they have been hitherto; and such justices and others as you shall find remiss, and so unfit for their trusts, you shall certify us and the Council thereof, that we may make provision therein according to our duty and the trust reposed in us.'

In the draft presented to the Council a seventh and last clause informed the Major-Generals that,

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with the assistance of several other persons, they were to levy a tax on malignants for the support of the militia; but this clause was withdrawn in favour of a colourless one requiring the Major-Generals to give notice to all persons concerned to meet them in their several counties. It is not in the least likely that the change denoted any intention of abandoning the proposed tax; but it may well have been thought undesirable to mention it till the subject had been more thoroughly considered, after which specific directions could be more fitly given.[1]

Character of these Instructions.

From these Instructions it may be gathered that, at least at this time, there was no intention of superseding the ordinary magistrates by the Major-Generals. It was with the help of the justices of the peace that the law was to be put in force, and except that the expulsion of idle persons from the country was legally justifiable only on the double assumption that such persons might be dealt with as vagrants, and that the Government was permitted to change the penalties imposed by law on vagrancy into the punishment of banishment, there was nothing to give rise to the suggestion that the Major-Generals were intended to override the law.[2] Practically, their appointment would work an immense change. Remiss or timid justices of the peace would be encouraged or terrified into the exercise of the functions imposed on them. A police force would be constantly at hand, not merely to crush Royalist

[1] *S. P. Dom.* c. 42. Mrs. Everett Green, in calendaring this document, states, very properly, that the seventh clause was omitted and another added in its stead. She has not, however, noticed that the new clause is to be found in No. 43, where it is expressly dated August 22. Under the date of August 24 she gives it as a preamble, which it certainly was not.

[2] This is on the supposition that the Protector's ordinances issued under the Instrument of Government had the force of law.

insurrections and to curb highwaymen and robbers, but also to support them in putting in force those unpopular statutes and ordinances which were directed against the spread of irreligion and vice. Those amongst the justices who continued to move in these matters with leaden steps would know that there was now a vigilant eye upon them, and that any neglect on their part would, without delay, be reported to headquarters.

Aug. 24. The ejection ordinance to be carried out.

Two days later a further Instruction was added directing the Major-Generals to report on the execution of the ordinance for the ejection of scandalous and inefficient ministers, which had hitherto been slackly carried out, and had probably not been carried out at all in many districts.[1] Evidently there was an increasing tendency to make use of the Major-Generals to quicken the zeal of the local authorities in miscellaneous directions.[2]

Sept. 21. A commission for the Major-Generals.

It was not till September 21 that, after the Council, in the Protector's presence, had agreed to a form of commission for the Major-Generals,[3] a body of orders 'for securing the peace of the Commonwealth' was adopted to fill up in detail the requirements of the article which had been dropped on August 22. These orders were to be carried out, under the eye of the Major-Generals, by certain commissioners,[4] ultimately known as commissioners for securing the peace of the country, who were named

Orders for securing the peace of the Commonwealth.

County commissioners appointed

[1] This appears from the language of the reports of the Major-Generals. The ordinance had not, however, remained entirely a dead letter. The witnesses in the case of Pocock, the Orientalist, for instance, were examined by the ejectors at Abingdon on Feb. 12, 1655. Twells, *Life of Pocock*, prefixed to his *Theological Works*, i. 37. Other cases might be cited as well.

[2] *S. P. Dom.* c. 43. [3] *Ib.* c. 133.

[4] On August 22 these had been styled vaguely as persons to assist the Major-Generals, but they were called Commissioners in an Order

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by the Government in each county. They were directed partly at weakening the Royalist party, and partly at securing from them a revenue which, following the precedent of the Elizabethan recusancy laws, might wring out of those who needed watching the financial resources required for the payment of the watchers. Royalists of property were dealt with in a drastic fashion. They were divided into three classes. The first, consisting of those who having, since the establishment of the Protectorate, taken part in any rebellion or in any plot against the person of the Protector, were to be imprisoned or banished, their estates being sequestered for the payment of the newly raised militia, a third part being reserved for the wives and families of the offenders. The second, including those who, not having taken part in any rebellion or assassination plot, nevertheless appeared 'by their words or actions to adhere to the interests of the late King, or of Charles Stuart his son,' and to be dangerous enemies to the peace of the Commonwealth, were to be imprisoned or sent beyond the seas, though allowed to retain their estates. The third, comprising those who, not being active Royalists, had their estates sequestered for delinquency, or had in former times fought against Parliament, were to

Exactions from the Royalists.

in Council of the same date (Council Order Book, *Interr.* I, 76, p. 246). They are to be distinguished from the Militia Commissioners appointed in the spring, who are styled 'the former commissioners' in a letter from Lawrence to Desborough of Feb. 13, 1656 (*S.P. Dom.* cxxiv. 41). Though there is no evidence of the date on which these latter were suppressed, it is probable that their powers were recalled on Oct. 11, when the Major-Generals formally received their commissions. It is impossible to write on the subject of the Major-Generals without expressing gratitude to Mr. D. W. Rannie, whose account of the matter in the *Hist. Review* (July 1895), x. 471, did much to advance our knowledge. His occasional slips are for the most part owing to his confidence in defective calendars, which he did not test by the original documents.

pay 10 per cent. on their rental from land if it amounted to 100*l.* and upwards, and 10*l.* on every 1,500*l.* of personal property in cases where there was no real estate worth 100*l.* a year, with the proviso that their annual payments under this head should never exceed 100*l.* As for persons who had no estate, they were only touched if they lived loosely and were unable to give an account of themselves; in which case they were to 'be apprehended and transported into foreign parts, where they may earn their living by their labour,' a phrase which, differing as it does from the sentence of mere banishment pronounced on wealthier Royalists, is probably a euphemism for service in the colonies. No Royalist was, on pain of imprisonment, to keep arms in his house, and those who were banished—doubtless those under the second head alone are intended—were not to return without license, on pain of the sequestration of their estates.[1]

The Royalist clergy silenced.

Of a different order are the rules laid down with the object of striking at the spiritual and intellectual root of Royalism, and which appear as a somewhat pale shadow of the statutes directed by Elizabethan Parliaments against Roman Catholic priests. After November 1 no Royalist was to be suffered to keep in his house any of the ejected clergy as a chaplain or a tutor for his children, under pain of having his fine doubled; and no such clergyman was to keep a school, preach, or administer the sacraments, celebrate marriage, or use the Book of Common Prayer, on pain

[1] Mrs. Everett Green gives it 'on pain of banishment,' which is not only improbable, but is not in the original. If the threat of sequestration had been meant to refer to the first class, it could only mean that the wife and family of the returning exile would lose the third assigned to them.

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of three months' imprisonment for the first offence, of six months' for the second, and of banishment for the third.[1]

The orders do not pretend to legality.

Every one of these orders frankly relinquished the domain of law. Political necessity alone could be pleaded in their favour. Their authors were, indeed, so anxious to cling to the skirts of legality wherever possible that, on the same day 'plays and interludes' having been added to the list of malpractices against which the Major-Generals were to be on their guard, a reference to the Act which declared them unlawful was added in the margin.[2] Of a proclamation issued on September 21 it may fairly be said that, if it was illegal, it only escaped legality by a hair's-breadth. In the counties the executive authority was under the control of the central authority, which appointed not merely special commissioners, but also the ordinary justices of the peace. In the towns it was otherwise. Corporations chosen by election or co-option formed the governing bodies, mayors and other officials being elected in the manner indicated by the charter of the place. The Long Parliament, anxious to prevent such powers from falling into the hands of their opponents, had passed an ordinance disabling delinquents from being placed in office for the next five years.[3] This ordinance was renewed as an Act in 1652, the term of its expiry being fixed at September 28, 1655.[4] When, therefore, the Protector issued a proclamation on the 21st, directing that this Act should be punctually observed, his action was sup-

Proclamation against the election of Royalists.

[1] *S. P. Dom.* c. 136.

[2] *Ib.* c. 134. Mrs. Everett Green explains that these Instructions as accepted on Sept. 21 are the same as those calendared August 22 and 24. They, however, have the new clause (see p. 174) printed amongst them, and several written amendments.

[3] *Scobell*, i. 135.

[4] *Ib.* ii. 209.

ported by the law[1] till the week came to an end, but after that week had expired obedience to his command rested on no foundation except his own declared will.[2]

Further Instructions needed.

Much as had been done, the Government was not yet prepared to set its instruments at work, as there were further details to be considered before the Instructions to the Major-Generals could be regarded as complete. The result was that on October 4 Lambert, who had taken a leading part in the committee of Council entrusted with this business, brought up a paper of additional Instructions, which was adopted, with amendments, by Protector and Council on the 9th.[3] The Instructions thus added to the original seven were fourteen in number, of which the first nine were mere amplifications of the former ones entering into questions of administrative detail. Royalist masters of families, after giving security that they would neither plot against the Government themselves, nor fail to reveal any such plot which came to their knowledge as having been entered on by others,[4] were to give bonds for the good behaviour of their servants, and a list of such bonds was to be kept by the Major-Generals, and by them forwarded to the office of a registrar to be established in London. No one was to land in England from beyond the sea, without informing the Major-

Oct. 4. Lambert's additional Instructions

Oct. 9. adopted with amendments.

Points of administrative detail.

[1] That is to say, on the assumption that the Acts and ordinances of the Long Parliament after the breach with the King were legal, an assumption which was notoriously denied after the Restoration.

[2] Printed in *Hist. Rev.* (Oct. 1900) xv. 655.

[3] Council Order Book, *Interr.* I, 76, pp. 324, 327.

[4] This requirement is not to be found amongst the additional Instructions, but the bond is set forth in *Merc. Pol.*, E, 491, 7. Most likely it was added as an additional order for securing the peace of the Commonwealth after Sept. 21, the date of the orders as they have reached us (*S. P. Dom.* c. 136).

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General of his name, the place from which he came, and the place to which he was going, engaging himself at the same time that if he came to London he would give more specific information as to his movements and business. If he had taken the King's side in former times, he was to give similar information whenever he changed his place of abode, whether in London or the country. Further Instructions provided for the discovery of highwaymen and robbers, and directed that a more than ordinary regard should be had to the securing of the roads, chiefly about London.

Moral or social regulations.

The remaining five Instructions were of a different character, being almost entirely occupied with considerations which, though not without reference to the baffling of conspirators, deal freely with questions connected with moral or social order. No house standing alone and out of a town was to 'sell ale, beer or wine, or to give entertainment.' No one was to be allowed to ride post without previous notice being given to the nearest justice of the peace; and the master of any inn, alehouse or tavern, who allowed his horses to be used for such a purpose was to forfeit his license. In London and Westminster all gaming-houses and houses of ill-fame were 'to be industriously sought out' and closed. All householders within the same limits who had no trade or calling, or did not labour in such trade or calling, or had no other visible estate, were to 'be bound to their good behaviour and compelled to work, and for want of good security to be sent to Bridewell.' Lastly, 'alehouses, taverns and victualling-houses towards the skirts of the said cities were to be suppressed, except such as were necessary to lodge travellers; the number of alehouses in all

other parts of the town to be abated, and none continued but such as could lodge strangers and were of good repute.'[1]

The Instructions fall under two heads

So far as a consideration of the order in which the various Instructions are placed may be allowed to influence our conclusions, it must be admitted that there is some indication—it would be impossible to style it evidence—of a twofold origin. The first six Instructions are, if not exclusively, yet to a great extent,[2] of a practical and administrative character; and the same may be said of the first nine of the additional Instructions. To the first set was added, after an interval of two days, the Instruction to carry out the ordinance for the ejection of scandalous ministers; to the second set are added the five Instructions which deal almost entirely with the repression of vice. From the position occupied by Lambert in the committee which prepared and amended these Instructions he may fairly be regarded as probably the originator, certainly the organiser, of the new police system, of which the Major-Generals were to be the official heads. If he were the same man as the Lambert who had withstood the Protector at the Council-table when the West Indian expedition was under discussion,[3] and who before that had taken a leading part in framing the somewhat unimaginative Instrument of Government, we cannot but recognise his hand in the practical requirements of many of these Instructions. Is it wandering too far into the regions of conjecture to suggest that the readiness to add to the burdens originally laid on the shoulders of the Major-Generals the enormous task of encouraging

Conjecture as to the part of Lambert,

[1] *Old Parliamentary History*, xx. 461–67.

[2] Some of these earliest Instructions may be the result of a compromise.

[3] See Corrigenda to Vol. ii. at the end of this volume.

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virtue and discouraging vice must surely have proceeded from the Protector himself—the man who had so glorified a naval expedition sent forth to protect English commerce in the Indies that he saw in it nothing less than the avenging sword with which to strike down the enemies of God? Should this view of the case be accepted,[1] much that followed afterwards in the growing estrangement between Oliver and Lambert becomes easily intelligible without the necessity of having recourse to merely personal motives on one side or the other. For the time there was no breach. The Instructions were issued as a complete whole. On October 11 the commissions were formally distributed among the Major-Generals,[2] and they were sent forth to work the will of the Protector and Council as best they could.

Oct. 11. Commissions to the Major-Generals issued.

This view, that the morals and social aims of the Instructions were mainly inspired by the Protector himself, derives some corroboration from an attentive consideration of a Declaration issued by the Government on October 31. It is true that till the end is approached this manifesto bears no trace of Oliver's own hand, and may very well have been the work of Fiennes, who by some was believed to have been the author of the whole.[3] The narrative of the conspiracies of 1654 and 1655, with which the Declaration opens, and the assertion that a similar conspiracy was still cherished by the Royalists, may properly

Oct. 31. Declaration by the Protector and Council

[1] The length of time—from August 22 to Oct. 9—during which the Instructions were under discussion somewhat favours the view that there was some difference of opinion on the subject.

[2] Only the commission to Butler has been preserved, *R.O. Interr.* Box 2, No. 10. It may, however, be taken that the others bore the same date.

[3] *A Letter from a True and Lawful Member of Parliament*, p. 41, E, 884, 2. On the authorship of this pamphlet, see *infra*, p. 185, note 2.

have been left to a subordinate. Towards the close the reader seems to catch the tones of Oliver himself. "It is plain," we are told, "to everyone that is not blinded with prejudice that these men are restless in their designs, and are the causes of all our trouble and unsettlement, and will leave no stone unturned to render vain and fruitless all that blood which hath been spilt to restore our liberties, and the hopes we have conceived of seeing this poor nation settled and reformed from that spirit of profaneness which these men do keep up and countenance, in contempt of all law and authority:—and therefore we thus argued, that unless we would give up the cause so long contended for, and the lives, liberties and comforts of all the well-affected of these three nations into their hands, or leave them exposed to their continual attempts, the peace and common concernments of this Commonwealth must be otherwise secured and provided for than at present they were; that this was not to be done without raising additional forces; that the charge of these forces ought not to be put upon the good people who have borne the burden of the day, but upon those who have been and are the occasion of all our danger.[1]

"Upon these grounds," he continued—if the voice was indeed the voice of Oliver—". . . we have thought fit to lay the burden of maintaining these forces, and some other public charges which are occasioned by them, upon those who have been engaged in the late wars against the State, having respect notwithstanding therein to such of them as are not able to undergo that charge." To this followed an argument that Charles's 'coming into the

[1] It will be seen that the Protector did not in any way dissent from Lambert's practical methods.

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Low Countries[1] was sufficient evidence that he had expected a general rising of his supporters in England, and that the collection of great sums for him was another proof that the design was favoured by many more than had actually risen in the spring.'[2]

Having enforced this view of the position by further reasoning, the writer proceeds to claim for the Supreme Magistrate that in such case he must not be 'tied up to the ordinary rules,' and to urge that it is justifiable to compel 'those of whom the people have reason to be afraid' to 'pay for securing the State against that danger which they are the authors of.' If, the author of this part of the Declaration argues, the Royalists are treated as a class apart, it is through their own determination to stand apart from the rest of the nation. "There is nothing," he writes, "they have more industriously laboured in than this—to keep themselves separated and distinguished from the well affected of this nation:—to which end they have kept their conversation apart, as if they would avoid the very beginnings of union; have bred and educated their children by the sequestered and ejected clergy, and very much confined their marriages and alliances within their own party, as if they meant to entail their quarrel and prevent the means to reconcile posterity; which, with the great pains they take upon all occasions to lessen and suppress the esteem and honour of the English nation in all their actions and undertakings abroad,

[1] To Middelburg; see p. 130.

[2] It is not likely that much evidence as to the truth of this statement should be in existence. There are two accounts of Halsall's, dated June 23 and Nov. 25 respectively, showing that 3,390*l.* were sent over by him in the course of 1655. *Clarendon MSS.* l., fol. 72; *Thurloe*, iv. 245.

striving withal to make other nations distinguish their interest from it, gives us ground to judge that they have separated themselves from the body of the nation; and therefore we leave it to all mankind to judge whether we ought not to be timely jealous of that separation, and to proceed so against them as they may be at the charge of those remedies which are required against the dangers they have bred." [1]

Hyde's reply.

Some months later Hyde, assuming the character of a Presbyterian member of the Long Parliament, struck heavily at the weakest point in this argument. "Let us revolve," he replied, "the vast treasure we have lost, and compare it with the nothing we possess. The law says, 'No man shall be punished if his offence be not proved by witnesses.' This Declaration says, 'Though we abstain from any unlawful action, we shall be punished for the malice and revenge in our hearts.' The law says 'that a conspiracy to levy war is no treason, except there be a levying war *in facto*.' Your Declaration says, 'If you have reason to believe that we have evil intention against the Government, we are without any right or title to anything we enjoy, and are at your mercy to dispose of as you please'—which is the lowest condition of traitors. If this be liberty, what nation in Europe lives in servitude?" [2]

Oliver does not defend himself on legal grounds.

From the purely legal point of view Oliver had no defence to make. Like Strafford, when the Short Parliament threatened to overturn what, from his point of view, was the constitutional edifice under which the people were sheltered, the Protector held himself, so far as the enemies of the State were

[1] *A Declaration of His Highness* (p. 38), E, 857, 3.

[2] *A Letter from a True and Lawful Member of Parliament*, p. 45, E, 884, 2. Mr. Macray has identified the author with Hyde in the preface to the third volume of his *Calendar of the Clarendon MSS.*

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concerned, to be 'loose and absolved from all rules of government.' If the Constitution as settled by the Instrument was to be upheld, its enemies must, with or without the approval of the law, be rendered innocuous. In February he had explained that necessity had driven him to take upon himself the work of a constable to keep the peace between contending religious sects.[1] It now looked as if he would have to exercise the same office towards hostile political parties as well.

His position as a constable.

The Royalists treated as a class apart from the nation.

In treating Royalists as a class apart from the body of the nation the Protector did but follow in the lines laid down by the Long Parliament at the commencement of the Civil War. Yet to do so was none the less a political error. The greater the determination of any single class to stand aside from the main current of national life, the greater is the interest, to say nothing of the duty, of every Government to close its eyes to the existence of the gulf which separates it from its compatriots, and to treat those who repudiate its authority, so long as they abstain from acts of resistance, as erring brethren, but as brethren still. The main question of interest, however, is whether Oliver's assumption that he had the national good will on his side was in accordance with facts or not. If it was, his system was likely to be permanent; if not, it was doomed to speedy destruction.

Royalism not a preponderant force.

If the experience of the late rising was to go for anything, it is impossible to regard the stricter Royalists otherwise than as a cultivated but comparatively small minority. No doubt their tenants and labourers looked up to them with respect, and, if circumstances were favourable, would have given them support. No doubt, too, there were in the towns a certain number of tradesmen and others

[1] See *supra*, p. 115.

who, though hostile to Royalty in 1642, would have been more or less willing to accept it in 1655. Of any burning zeal for the restoration of Stuart kingship, outside the Cavalier families, there is, however, no trace whatever. Thurloe's spies bring to him in abundance tales of the machinations of Levellers and Parliamentarians. Denunciations of any popular outcry in favour of the exiled Charles are few and far between. Even in their cups the men of the people do not cry out for their King.

Divisions amongst the opponents of Royalism.

It does not follow, however, that the masses were for Oliver because they were not for Charles. The more thinking members of the anti-Royalist party were hopelessly divided, and the low social position of many of the officers went as far as any apprehension of constitutional danger to nourish disaffection to a Government resting on military support. "So strict a justice," wrote a foreign ambassador when the appointment of the Major-Generals was still under discussion, "is held that the country hardly knows there is an army in it; but the meetings of its councils have caused an exceeding ill-will amongst all the inhabitants, the common folk being irritated at being ruled and commanded by those of their own class, and people of good birth despising the latter in their minds. One can therefore easily judge with what soreness of heart most persons see themselves placed at their mercy, and to have their own lot made lighter or heavier at their discretion." Such a state of feeling undoubtedly tended to a revival of Royalism. "There is no longer," writes the same ambassador, "a question whether they shall have a king, but who the king shall be, and so the former difference between the house of Stuart and all the inhabitants of the land is converted into a difference between the houses of

The army not popular,

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Stuart and Cromwell."[1] These words were written at a time when the movement for offering the Crown to the Protector was in full swing, and the writer, in the reflections which follow, clearly anticipates that the successful candidate for the throne will be King Oliver rather than King Charles; but it is evident, even if we could close our eyes to the subsequent history of the nation, that there was growing up, even amongst those who were averse to Charles's restoration, a feeling, in some cases, of active hostility towards the Protectorate, and, in still more, of simmering dissatisfaction with the prevailing conditions of government.

No doubt, so far as the decimation was concerned, Oliver had acted prudently in confining the infliction of special taxation to those who were possessed of what was in that age a substantial fortune. He was probably unaware of the extent to which he multiplied his enemies by his efforts to ensure the moral improvement of the people. Baxter, who, Puritan and controversialist as he was, at least kept his eyes open, characterised the 'Diocesan party' as consisting 'of some grave, learned, godly bishops, and some sober, godly people of their mind; and withal of almost all the carnal politicians, temporisers, profane, and haters of godliness in the land, and all the rabble of the ignorant, ungodly vulgar.'[2] To struggle against ignorance and vice was a high enterprise, worthy of the Protector's zeal.

nor the attempt to enforce morality.

[1] Bonde to Charles X., July 27, *Stockholm Transcripts.*

[2] *Reliquiæ Baxterianæ*, i. 145. When he comes to give his conjectural reasons for the adhesion of the last class, he suggests that one may be 'because the worst and most do always fall in with the party that is uppermost,' which cannot be applied to the times of the Protectorate. The words were written long after those times, and no doubt Baxter inadvertently gave expression to his judgment on what was passing before his eyes, in forgetfulness that it did not apply to the subject of the preceding sentences.

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It was also an enterprise calling for prudence and circumspection far above the average. Was it so certain that by a wholesale closure of alehouses and bear-gardens Oliver would really exalt the standard of morality in England? No doubt he could plead that these things were done for a political object, as depriving Royalists of meeting-places where they might hatch their plots. Those who had taken pleasure in watching the agonies of the bear, and no less pleasure in fuddling themselves over their ale, were only too likely to set down the new orders as the last experiment of the virtuous to abolish cakes and ale in the land, and, if they thought of politics at all, they would recall to mind the times when the late King had left them to enjoy themselves in their own fashion, and would long for the restoration of his son, who, if all accounts were true, was not likely to enforce on his subjects too high a standard of morality.

Nov. 21. A day of humiliation appointed.

Such considerations were, however, far from the Protector's mind. From the language in which he announced, on November 21, the appointment of a day of humiliation it is evident that he looked on the quarrels among Puritans with far greater apprehension than on any imminent danger from the side of the Royalists. Deploring 'the tares of division that had been sown by the envious one, the abominable blasphemies vented, the spreading of late through the apostacy of, and the abuse of liberty by many professing religion,' he complained of 'the continued series of difficulties we have been and are under by the secret and open practices of those that, bearing evil will unto Zion, have, Baalam-like, attempted all ways to frustrate our hopes and endeavours of such a settlement and

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reformation as hath been so long contended for; as also the weight of the woes of this generation.' On these grounds he called on the people to unite in prayer that God would disappoint the designs of all who set themselves 'against the interest of Christ and His people.' He would then teach them to serve the Lord God with one heart and one mind, and support those 'that are more especially engaged in and entrusted with the great affairs of this nation, by a spirit of counsel and wisdom to enable them faithfully to discharge their weighty trust, and that they may bear some proportion of serviceableness to the great designs and promises of God concerning the kingdom of His Son, our Blessed Lord, in these latter times, and may be used as instruments in His hand for the continuance and increase of the reformation and the security and settlement of these nations.'[1]

Oliver's main object.

This, then—the leading of the nation into paths of unity and religious peace, not the establishment of protectoral or parliamentary constitutions—was the object nearest to Oliver's heart. Three days later he announced by another Declaration that Royalists whose estates had been sequestered or who had taken part in the war under the late King were to refrain from keeping arms in their houses after December 1, and from maintaining any of the ejected clergy as chaplains or schoolmasters after January 1—the date of November 1, previously fixed, having proved too early, the organisation under the Major-Generals not being capable of being put in operation so soon. The Declaration ended with a clause in which a ray of hope was permitted to those at least of the ejected clergy who had given 'a real testimony of their

Nov. 24. Declaration against keeping arms or maintaining ejected clergy.

[1] *A Declaration*, Nov. 21, B.M. press-mark, 669. f. 20, No. 19.

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godliness and good affection to the present Government,' offering that to such 'so much tenderness shall be used as may consist with the safety and good of this nation.'[1] To a zealous Churchman like Evelyn, indeed, this last clause afforded no consolation. His occasional visits to London were made the opportunity of attending the ministrations of clergy who were not in the least likely to court a testimonial of good affection to the present Government. To him the last Sunday in the year,[2] when he was present at the service held by Dr. Wilde at St. Gregory's—the only church in London in which the use of the Prayer Book had been hitherto connived at[3]—was as the closing scene of religion itself. "So this," he noted in his *Diary*, "was the mournfullest day that in my life I had seen in the Church of England herself since the Reformation, to the great rejoicing of both papist and presbyter. The Lord Jesus pity our distressed Church and bring back the captivity of Zion."[4] Yet the heart of Oliver was larger than his theories, and it was not long before the clouds began to break. In January the aged Ussher, trembling on the brink of the grave,[5] presented a petition on behalf of 'the poor outed clergy.' Not only was this petition left without a satisfactory answer, but, if a Royalist rumour may be accepted, the Archbishop was reduced to admit to the Protector that 'the Common Prayer was by the

Dec. 30. A last service.

Evelyn's lament.

1656 Jan. A petition presented by Ussher.

[1] *Declaration*, Nov. 24, *ib.* 669, f. 20, No. 20.

[2] This service is usually assigned to Christmas Day, which is the date of the preceding entry; but it is in the highest degree improbable that Dr. Wilde, on whose ministrations Evelyn attended, should have refrained from using the opportunity of meeting his congregation on the following Sunday, Dec. 30.

[3] Evelyn's *Diary*, ed. Bray, iv. 308. [4] *Ib.* i. 311.

[5] He died on March 21, and was buried in Westminster Abbey, the Protector contributing 200*l.* to the expense.

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people made an idol, and therefore justly abolished.'[1] However this may have been, the old man's pleadings did not remain without effect. On some day in February a few of the leading Episcopalian clergy were summoned to Whitehall, where Oliver assured them that, though he was well aware what was the drift of their teaching, he was neither ignorant nor unfeeling with regard to the condition into which they had fallen. All that he asked was an engagement that if liberty were allowed them they would not make use of it to excite fresh disorders.[2] On their assurance that the desired pledge would be forthcoming he promised to lay their case before the Council. There can be little doubt that, though his reference to the Council was not made in a form that could be placed on record, he fulfilled his promise. The Declaration was not actually withdrawn or modified, but it was seldom, if ever, put in practice against the clergy. Not a single one of the reports of the Major-Generals —so far as they have reached us—even alludes to the ejection of clergy from private houses. The Royalist correspondents of Hyde and Nicholas have as little to say on a subject on which, if any evidence of facts came before them, they would gladly have dilated. When, in the next generation, Walker collected all available information on the sufferings of the clergy of his Church, he did not succeed in producing a single instance of a chaplain or schoolmaster reduced to poverty by this action of the Protector.[3]

Feb. A hopeful answer to the Episcopalian clergy.

The Declaration not executed against the clergy.

[1] R. W[hitely] to Nicholas, Jan. $\frac{18}{28}$, $\frac{\text{Jan. } 22}{\text{Feb. } 1}$, *S.P. Dom.* cxxiii. 27; *Nicholas Papers*, iii. 261.

[2] Nieupoort to the States General, $\frac{\text{Feb. } 22}{\text{March } 3}$, *Add. MSS.* 17,677 W, fol. 232.

[3] It may be well to note here that this affair affords evidence of

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Having taken measures for assuring his military control over the Royalist gentry, Oliver was prepared to show that he no longer considered them personally dangerous. On October 3 he resolved to throw open the prison-doors of the Royalists shut up as a precautionary measure, on condition of their giving security, not only to abstain from plotting against the Government, but also to give information against those who did[1] That the number of those set at liberty was large may be gathered from the fact that, out of four counties[2] alone, no fewer than seventy-two obtained their release. A few had already been discharged on similar, or even on more onerous, conditions.[3] It is, indeed, probable that this wholesale gaol-delivery was expedited by a suspicion that some of the prisoners might sue out a writ of *habeas corpus* when the new

Oct. 3. Release of prisoners.

unblushing forgery on the part of Gauden. Just before the Restoration, when bishoprics seemed likely to be offered, he published a Remonstrance (E, 765, 7) which, he said, he had presented to Oliver on behalf of the clergy suffering through the Declaration. Unluckily for the truth of this allegation, he set down his words as pleading for those who had been condemned 'by your Highness's late edict of Jan. 1.' In 1660 he might have forgotten that Jan. 1 was the date fixed for the expulsion, and not that of the edict, which was in reality issued on Nov. 24. He could not have forgotten it in 1656. The man capable of forging this Remonstrance was capable of forging the Eikon.

[1] This security was subsequently demanded of all who had taken part in the Civil War.

[2] Essex, Suffolk, Norfolk, and Cambridge.

[3] "Divers gone off, but some on so hard, and others on so unhandsome conditions that I know not how to wish myself free on the same terms." Sir R. Verney to Mrs. Sherard, August 27. Sir Ralph had returned to England, thinking himself safe under the Protectorate, as his only offence had been a refusal to take the Covenant. It is, however, easy to understand that, whilst a promise to betray any plots coming to his knowledge would be most repugnant to a man of his temperament, a refusal to give it might seem to the authorities an excellent test of Royalism.

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term enabled them to approach the courts—a move which would throw a fresh difficulty in the way of the adhesion of the judges to the Protectorate.[1] No one, least of all Oliver, would count on the gratitude of the liberated Royalists, and on October 25 a proclamation was issued to safeguard the Protector's life by renewing the order for the expulsion of all members of that party from London and Westminster.[2]

Oct. 25. Royalists expelled from London.

Nov. 30. Transportation of the Exeter prisoners.

Before the end of November Exeter gaol was cleared after another fashion. For some months it had been crowded with prisoners committed for their participation in Penruddock's rising. Two of these having petitioned the Council for liberty as banished men, if permission to continue in England after liberation were refused them, advantage was taken of their request to order the transportation of the whole number to the Indies,[3] though one at least had had the bill against them thrown out by the grand jury,[4] and others had been acquitted by the petty jury. It was afterwards stated by an interested party that none of them were transported without their consent being first given; but, if this was the case, the

[1] This is perhaps hinted at in the following extract from a set of Royalist verses printed in *Notes and Queries*, 7th series, x. 41, by Mr. Firth, who assigns them on good grounds to Denham:—

"Though the governing part cannot find in their heart
To free the imprisoned throng,
Yet I dare affirm next Michaelmas Term
We'll set them out in a song."

[2] Proclamation, Oct. 25, B.M. press-mark, 669, f. 20, No. 17.

[3] There was an order on Nov. 30 to transport some to the East Indies, and another on the same day to transport all to Barbados and other foreign plantations. Possibly the word 'East' was miswritten for 'West,' or the second order may have been intended to cancel the first. Council Order Book, *Interr.* I, 76, p. 404; *S.P. Dom.* ci. 165.

[4] This, however, appears to have happened, not because the grand jury were convinced of his innocence, but because his indictment had been laid in a wrong county. Burton's *Diary*, iv. 258.

question must have been a pure formality, as there is nothing in the Order of the Council to suggest that any alternative was really offered.

Their treatment in the Indies.

The same partial witness, when called to account in 1659, not only stated, truly enough, that on their arrival in Barbados they were to be retained in forced servitude for five years, after which they would receive payment for their work as free labourers, but did his best to represent their condition as an easier one than that of the husbandman at home.[1] Five of those who were the subjects of the experiment told a different story. On the outward voyage they were 'locked up under decks—and guards—amongst horses, that their souls through heat and steam, under the tropic, fainted in them.' On their arrival they were enthralled 'in this most insupportable captivity, they now generally grinding at the mills, attending the furnaces, or digging in this scorching island; having naught to feed on—notwithstanding their hard labour—but potato roots, nor to drink but water with such roots washed in it—besides the bread and tears of their own afflictions—being bought and sold still from one planter to another, or attached as horses and beasts for the debts of their masters, being whipped at their whipping-posts as rogues for their masters' pleasure, and sleeping in styes worse than hogs in England, and many other ways made miserable beyond expression or Christian imagination.'[2]

Growth of the practice of transportation by executive order.

The practice of awarding transportation, even to unconvicted prisoners, at the mere pleasure of the executive Government had been growing from year to year. Coming into existence in the cases of the prisoners at Dunbar and Worcester, it had been

[1] Burton's *Diary*, iv. 258, 259.

[2] *Ib.* iv. 256. Compare *England's Slavery*, E, 1833, 3.

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extended in constantly increasing proportions to the Irish who were found to be incapable or undesirous of finding work, and the evil practice was now extending itself in England. Lilburne, uncondemned, had been sent to a prison in Jersey. After Penruddock's rising a few had been despatched to Barbados.[1] Now a larger number—about some seventy in all—were treated to the same measure. Very probably most of them, if they had been left to the severity of the law, would have met with a harder fate. For the community at large the danger lay in the growing habit of the executive, strong in the force of military support, to deal out penalties at its own will and pleasure, without definite rules laid down beforehand, and without adequate security for the release of the innocent. Even Charles had better preserved the forms of legal justice.

Oct. 25. Royalists expelled from London. A list of the Major-Generals.

By this time the new system was getting into working order. The proclamation of October 25, commanding the expulsion of Royalists from London and Westminster, was accompanied by a list of the Major-Generals—whose number was now raised to eleven—in order that those persons who had been sent back to their homes in the country might know to whom they must apply themselves with the bonds they were required to offer for the good behaviour of themselves and their servants. Of the eleven Major-Generals, Kelsey was to take charge of Kent and Surrey; Goffe of Sussex, Hants and Berkshire; Desborough, as formerly, of the six counties of the West—Gloucester-

[1] See *supra*, p. 160.

[2] Persons who had been engaged in rebellion were liable, by the first of the Orders for Securing the Peace of the Commonwealth (see p. 175), to be imprisoned or banished, but this does not imply transportation to the West Indies.

shire, Wilts, Dorset, Somerset, Devon, and Cornwall; Fleetwood, who had by this time returned from Ireland, of Oxfordshire, Bucks, Hertfordshire, Cambridgeshire, Essex, Norfolk and Suffolk; Skippon of the City of London; Barkstead of the rest of Middlesex; Whalley of the shires of Lincoln, Nottingham, Derby, Warwick, and Leicester; Butler of those of Northampton, Bedford, Rutland, and Huntingdon; Berry of Worcestershire, Herefordshire, Shropshire, and North Wales; Worsley of Cheshire, Lancashire, and Staffordshire; Lambert of Yorkshire, Durham, Cumberland, Westmorland, and Northumberland.[1] Lambert and Fleetwood, whose services were required at Whitehall as members of the Council, were, however, allowed to appoint deputies, Cumberland, Westmoreland and Northumberland being assigned to Charles Howard, and York and Durham to Robert Lilburne. In Fleetwood's district, Norfolk, Suffolk, Essex and Cambridgeshire were given to Hezekiah Haynes. The remainder of the district was at first given to Tobias Bridge; but as, for some unknown reason, he retired from the post, Packer was employed as deputy in Oxon and Herts, and also, in conjunction with George Fleetwood, in Bucks.[2] Monmouthshire and South Wales remained for the present unallotted; but early in January they were assigned to Berry, who, no doubt in consequence of the enormous extent of his district, was permitted to name two deputies, Colonel Rowland Dawkins and Lieutenant-Colonel Nicholas.[3] So far as we know Whalley was the first Major-General to take up active work, as he

Nov. 2. Whalley at Newark.

[1] *The Public Intelligencer*, E, 489, 9.

[2] Council Order Book, *Interr.* I, 76, p. 343. This is not the brother of the Lord Deputy.

[3] *Ib.* p. 457. The usual statement that Dawkins was a Major-General in his own right is a mere blunder.

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met the county commissioners of Nottinghamshire at Newark on November 2.[1]

The Major-Generals and the Commissioners.

Between the Major-Generals and the commissioners for securing the peace of the Commonwealth the utmost harmony prevailed; and it would have been strange if it had been otherwise. Originally selected as devoted to the Protectorate, and reinforced by the Major-General with persons whom he selected after inquiry on the spot, they had the same friends and the same enemies as the Government itself. Being viewed with hostile eyes by the local magnates of their county, they were driven, in mere self-defence, to seek their own security in upholding the hand which brought them military support. If, on the other hand, as occasionally happened, one or other of the commissioners felt scruples at embarking on a service so unpopular amongst influential neighbours, it was easy to allow him to refrain from attending the meetings, and to drop out of sight without noise or scandal.[2] The first business of the Major-General on his arrival in the county was to hold a meeting of the commissioners, in whose ranks he was himself enrolled, and over whom he presided in the chair. The relation between them was by no means dissimilar from that which existed between the Protector and the Council. It was natural that in both cases attention should be called to the more active and showy element, and there can be no doubt that without the Protector at Whitehall, or his Major-General in the county, but little, if anything, would have been accomplished; but it is not to be imagined that Oliver had the intention to subject the country

[1] Whalley to Thurloe, Oct. 31, Nov. 2, *Thurloe*, iv. 125, 146.

[2] Goffe to Thurloe, Nov. 7, *Thurloe*, iv. 16. The relations between the Major-Generals and the Commissioners may be gathered from their correspondence at large.

ENGLAND & WALES
FEB.6th 1656.
Showing the districts assigned to the Major-Generals.
Names of places where garrisons were kept up are underlined red
SCOTLAND
Ireland
NORTHUMBERLAND
CUMBERLAND
WESTMORELAND
DURHAM
YORK
NORTH
SEA
IRISH SEA
ISLE OF MAN
LANCASHIRE
CHESHIRE
DERBY
NOTTINGHAM
LINCOLN
WHALLEY
ANGLESEY
FLINT
DENBIGH
NORTH WALES
MONTGOMERY
SHROPSHIRE
STAFFORD
LEICESTER
NORFOLK
CARDIGAN BAY
BERRY
RADNOR
WORCESTER
WARWICK
NORTHAMPTON
CAMBRIDGE
SUFFOLK
SOUTH WALES
HEREFORD
BRECKNOCK
OXFORD
BUCKINGHAM
BEDFORD
ESSEX
PEMBROKE
CARMARTHEN
DAWKINS & NICHOLAS
GLAMORGAN
MONMOUTH
GLOUCESTER
BERKSHIRE
HERTFORD
MIDDLESEX
BRISTOL CHANNEL
WILTSHIRE
SURREY
KENT
SOMERSET
HAMPSHIRE
SUSSEX
DEVON
DORSET
ISLE OF WIGHT
CORNWALL
ENGLISH CHANNEL
CHANNEL ISLES
Longmans Green & Co. London, New York & Bombay

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to a military despotism. What he aimed at was the establishment in the county and the nation of the rule—provisionally at least—of a Puritan oligarchy, with just so much of military strength behind it as was needed to make it effective for his purpose.

The Decimation.

The exaction of the tax of 10 per cent. was troublesome enough, but presented no insuperable difficulty. The local knowledge of the commissioners, assisted by the lists of compounders kept in London at Goldsmiths' Hall, made it easy to ascertain, at least approximately, the income of each Royalist. As might have been expected, there were practical questions requiring to be referred from time to time to headquarters, as not a few of the Royalists did their utmost to produce reasons in favour of their personal exemption. There was, however, no attempt to resist openly, and the tax, once laid, was duly gathered in.[1] Nor were many obstacles laid in the way of the search for arms. Before long Royalists were deprived of their weapons from one end of the country to the other, and insurrection, save under the cover of a successful invasion by a foreign army, was rendered impossible in England. Other precautionary measures were enforced with equal rigour.

Royalists disarmed.

Enforcement of bonds.

Bonds for the quiet behaviour of those who had in any capacity sided with the late King or his son were demanded, even from persons whose property fell beneath the limit of decimation; and there was an equally sweeping effort to obtain certainty as to the places of abode of those who might in any way be distinguished as Royalists.[2]

[1] The details, taken from the *Thurloe Papers*, are given more fully by Mr. Rannie in the *Hist. Rev.* (July 1895), x. 484.

[2] In the British Museum there are three books (*Add. MSS.* 34,011–13) containing lists sent by the Major-Generals of every county except Middlesex. Taking so much of the list for Yorkshire as gives

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Persons having shared in the late conspiracy.

There remained the cases of those Royalists who fell under the first order for the securing of the peace of the Commonwealth, as having taken part in rebellions or plots, and those who fell under the second, of being dangerous enemies to the peace.[1] Of the number of those falling under the first head, who were to be imprisoned or banished with the sequestration of their estates, it is impossible to speak with precision, as the reports of many of the Major-Generals have not been preserved. But, so far as we know, the only cases that occurred were those of the Northern conspirators who had been dealt with lightly at the last assizes.[2] Before the end of March eight persons of quality, with Sir Henry Slingsby at their head, were imprisoned at Hull by Major-General Lilburne and the commissioners at York. In May fourteen others were sentenced to the like punishment, the estates of those amongst them who were possessed of property being sequestered.[3] One or two cases were heard elsewhere, but our information is insufficient to enable us to speak positively of the result.[4] Under any other Government these men would have fared as badly, if not worse. What is peculiar about their treatment is that they were sentenced without the intervention of a jury, because it was impossible to obtain a verdict against them in these Northern parts.

1656 March. Sentence on Slingsby and others.

May. Further imprisonments.

names beginning with the letter A, we find 113 entries. Two of these have no qualification appended. The remaining 111 show 13 esquires and gentlemen, the remaining 98 being tradesmen, artificers, farmers, yeomen, husbandmen, labourers, &c. Such lists cannot have been drawn up with a view to decimation, but only to ascertain the abodes of persons who had given bonds.

[1] See p. 176. [2] See p. 150.

[3] Lilburne to Thurloe, Jan. 22; Lilburne to the Protector, Jan. 25, Feb. 9, March 14, *Thurloe*, iv. 442, 468, 522, 614.

[4] Lilburne to the Protector, May 16, *ib.* v. 33.

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As to those who fell under the second head, who, without having taken part in any conspiracy, were dangerous on account of their avowed Royalism, and who were liable to imprisonment or to be sent beyond sea, the Major-Generals appear to have construed their orders somewhat liberally, holding themselves empowered to imprison on suspicion anyone known to entertain Royalist opinions,[1] or who frequented the company of persons of the same way of thinking. They were especially hard on persons who appeared to be living beyond their means, thus affording evidence that they eked out their scanty income from some disreputable source. One of the first to suffer was the satirical poet, Cleveland, who was confined in Yarmouth by Haynes, on the ground that he had but 50*l.* a year, and could give no account of himself, except that he lived with Mr. Edward Coke, whom he helped in his studies. It was further noted against him that he seldom left Coke's house, that few resorted to him except Papists and Cavaliers, and that he was 'a person of great abilities, and so able to do greater disservice.'[2] Some three months later he petitioned Oliver for his release, professing that his fidelity to the King might be accepted as evidence that he would be faithful to the Protector, and complaining of being deprived of liberty merely for being poor;[3] an appeal which was followed by his prompt release.[4]

Cleveland imprisoned.

Feb. His petition and release.

Cleveland had for a companion a Mr. Sherman, described by Haynes as 'a most malignant Episcopal

1655 Imprisonment of Sherman.

[1] See the cases of John Goring in Sussex, and of Middleton and others in Lancashire, *Thurloe*, iv. 213, 733, 746.

[2] Haynes to Thurloe, Nov. 10, *ib.* iv. 185.

[3] Cleveland's petition was published on a broadsheet in Oct. 1657, B.M. press-mark, 669, f. 20, No. 69.

[4] Wood's *Fast.* i. 499.

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minister who, though of sober life, yet of most destructive principles to the Government and good people, and professedly owned and held forth by him most seditiously in a sermon preached before the authority of Norwich.'[1] In other districts it was rather idleness and licentiousness that marked men out for imprisonment. The Bedfordshire commissioners, writes Butler, had assured him 'they would make it their business to find out and give me notice of all their profane and idle gentry, and others whose lives are a shame to' a 'Christian Commonwealth, and of all inferior persons that are dangerous and live without callings.' "We have secured," he adds, "in order to his Highness transporting him, one Pemberton, that was formerly in arms against the Parliament, a very desperate person, having no estate, and living after the rate of four or five hundred a year. . . . I do not think his Highness can be informed of a person more fit for banishment."[2] At Shrewsbury Berry imprisons 'divers lewd fellows, some for having a hand in the plot, others of dissolute life.' "If some of them were sent to the Indies," he adds, "it would do much good."[3] Worsley was no less active. "We . . . are now," he writes from Lancashire, "beginning to fill the prisons with suspicious fellows." "I have had many sad complaints," he writes a few days later, "against the attorneys of this county, and had against this meeting sent summons out to all attorneys that were delinquents or papists; and they appearing yesterday, I have first taken the bonds ordered by the Council; another bond, that they should never act any more

Proceedings of Butler, Berry, and Worsley.

[1] Haynes to Thurloe, Nov. 19, *Thurloe*, iv. 216.

[2] Butler to Thurloe, Nov. 19, *ib.* iv. 218.

[3] Berry to Thurloe, Jan. 5, *ib.* iv. 393.

as an attorney or solicitor in this Commonwealth, without special license from his Highness and his Council, or either of them, and the most of them have done this; only one that did not appear, which we have sent to apprehend." In Cheshire he is no less thoroughgoing. "The Commissioners," he assures Thurloe, "some of them this day expressed that they could find near sixty gentlemen in this country, many of them younger sons, that were fit to be sent out of this Commonwealth, which done would much tend to the security thereof and terrify others. I light on[1] one Hugh Anderton, in Lancashire, one noted by all your friends to be one of the most wicked, dangerous men in this Commonwealth. I intend to send him to the castle of Chester to the rest."[2]

It is unnecessary to pursue the subject further in order to discover the reasons why the conduct of the Major-Generals was far more offensive to Royalists and semi-Royalists than was warranted by their conduct as collectors of illegal taxation. In arresting loose-livers, and other persons whose expenditure was beyond their means, they were acting, no doubt, under the Instructions, but none the less without legal authority of any kind. Nor was this all. The arrests made by them, in this fashion, threw into their hands a power which, dependent as they were on the local knowledge of the commissioners, might easily be employed to give effect to private spite. Worsley's mode of dealing with the attorneys, again, may be taken as evidence of the way in which, when the mere enforcement of the law is entrusted

[1] 'Of' as printed.

[2] Worsley to Thurloe, Dec. 21, Feb. 1, Feb. 13, *Thurloe*, iv. 333 495, 533.

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to military men they are apt to step beyond the boundaries which would at once be recognised by a lawyer. So far as recusants were concerned[1]—and it is probable that, in such a county as Lancashire, a large proportion of the malignant attorneys were recusants—Worsley did no more than put in force against them a Statute of James I. The exclusion from practice of mere malignants, not being recusants, was absolutely illegal.[2] Such conduct, if followed—and it was likely enough that it would be followed by the other Major-Generals—could hardly fail to double the number of Royalists before the new system had been many months in operation.

[1] 3 Jac. I. c. 5, § 6.

[2] It could not be said, however, that the personal quarrels of the commissioners with their neighbours would in this matter weigh with the Major-General in picking out malignant attorneys, as he would depend on the sequestrators' certificates, and not on local gossip.

CHAPTER XLI.

THE LIMITS OF TOLERATION.

THE Royalists, against whom the energy of the Major-Generals was directed, were far from being the only enemies of the Protector. As the strength of the partisans of the Stuarts lay in their appeal to 'the known laws,' the strength of the Republicans lay in their championship of the supremacy of Parliament, though they might differ as to the mode in which that assembly was to be chosen. Of those who adhered to the ancient methods, one of the most unbending was Ludlow, who had slipped away from Ireland in October in defiance of the Protector's orders. He had no sooner landed than he was arrested and placed in confinement in Beaumaris Castle, where he was offered liberty on the sole condition of signing a bond similar to that by which Royalists engaged themselves not to take part in any conspiracy against the Government. For some time he met this demand with a blank refusal, though in the end he was persuaded to sign an engagement to take no step against the Protector, at least till he had presented himself before him at Whitehall.

Royalists and Republicans.

Oct. Ludlow's confinement in Beaumaris Castle.

When at last, on December 13, Ludlow made his appearance before Oliver, he declared his readiness to submit to the Government and his ignorance of any design at that time formed against it. "But,"

Dec. 13. Ludlow at Whitehall.

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he added, "if Providence open a way and give an opportunity of appearing on behalf of the people, I cannot consent to tie my hands beforehand, and oblige myself not to lay hold of it." Oliver appears to have thought that an enemy so outspoken could not be really dangerous, and set him at liberty to do his worst.[1]

Oct. Lilburne in Dover Castle.

Long experience had shown that Lilburne's influence over the crowd was more dangerous than Ludlow's doctrinaire attachment to Parliamentarism. Yet, on giving assurance that he would maintain a peaceable demeanour, he was relieved from exile in Jersey and brought over to Dover Castle. He had not been long in his new prison when he wrote to his wife that he was now one of 'those preciousest, though most contemptible people called Quakers,' and had consequently abandoned his militant career for ever. The letter fell into the hands of Fleetwood, who, ever on the alert to alleviate the lot of sectaries, showed it to the Protector. Oliver was, however, obdurate.[2] A Quaker Lilburne might indeed cease to stir up the populace in defence of the outraged laws, but it was hardly possible for anyone connected with Government to contemplate with equanimity the idea of his heading bands of fanatics bent on breaking up congregations and insulting preaching ministers as hirelings and dead dogs. His confinement at Dover was therefore prolonged, though his treatment there was far more lenient than it had been in Jersey.[3]

He declares himself a Quaker.

His imprisonment at Dover.

[1] Ludlow's *Memoirs*, ed. Firth, i. 427-36. On the date of the interview, see Mr. Firth's note at p. 432; and compare Whiteley to Nicholas, Jan. $\frac{1}{8}$, *S.P. Dom.* cxx. 27.

[2] The accepted story of Lilburne's liberation is derived from Wood's *Athenæ*, iii. 353, but is contradicted by the evidence in *The Resurrection of John Lilburne*, E, 880, 2.

[3] Council Order Book, *Interr.* I, 76, p. 544, 77. p.

Here he remained till in August 1657 the deputy governor of the Castle allowed him liberty on parole that he might be present at his wife's confinement at Eltham. When the news of his temporary release reached Whitehall, a peremptory order was issued commanding his return to prison within ten days. On August 29,[1] however, just as the period of grace was about to expire, the turbulent agitator breathed his last. He was far in advance of his age in upholding the doctrine of popular sovereignty, but his repeated warnings against the danger of throwing aside respect for law were appropriate to the needs of his time, though given with unnecessary asperity, and with a complete ignorance of the political conditions which limit the activity of practical statesmen.

1657 Aug. 29. His death.

At the opposite end of the scale from Lilburne and the Levellers were the men of the Fifth Monarchy. If they had contented themselves with proclaiming the approaching reign of the saints, they would have been in no danger from the Protector. What stirred him to take action against them was that they were never weary of asserting that the reign of the saints was incompatible with the tyranny of that enemy of God, Oliver Cromwell—assertions greedily welcomed by ignorant men, steeped in the phraseology of the Scriptures, but having no real understanding of the conditions under which the exhortations and prophecies they adopted had been addressed to the Hebrew world. How difficult it was to silence men of this type was shown in the cases of Feake and Rogers, who were removed to the Isle of Wight in October.[2] Of the two, Feake gave

Republicans and Fifth Monarchy men.

Oct. 9. Feake and Rogers in the Isle of Wight.

[1] Petition of Lilburne's widow, Nov. 4, 1657, *S.P. Dom.* clvii. 73.

[2] Downing to Clarke, Nov. 8, 10, *Clarke Papers*, iii. 6, 11.

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the least trouble. It is true that he succeeded in making his escape to London; but when he was re-arrested, he was allowed to remain, under the guard of a single soldier, in a house rented by himself,[1] doubtless in consequence of an engagement to abstain from political allusions in his sermons. Rogers was less easily controlled. He was permitted to take up his abode in a country house near Freshwater, till his persuasive tongue attracted the peasants of the neighbourhood to drink in his denunciations of the Protector. As he positively refused to hold his peace, there was nothing for it but to send him into closer confinement at Carisbrooke, where he found a sympathetic fellow-prisoner in Harrison. Even here crowds flocked to listen to the full-flavoured denunciations of the tyrant which he delivered from the window of his cell, the soldiers themselves often finding pretexts for remaining within earshot. The gaoler and his subordinates, who were responsible for Rogers's silence, were not unnaturally furious, and revenged themselves after the rough manner of their kind. They dragged the bedding from beneath him, allowed his provisions to run short, ill-treated his sickly wife, and flung his maidservant out of doors, after stripping her clothes from her back.[2]

Rogers persists in denouncing the Protector.

His ill-treatment at Carisbrooke.

Oliver's practical tolerance.

It would be unreasonable to hold the Protector personally responsible for the excesses of his officers. On the other hand, if his views on toleration did not quite reach the standard of the nineteenth century, they were in advance of all but the

[1] Feake's Preface to *The Prophets Isaiah and Malachi* is dated from his own hired house. He does not say what was its locality, but as we have no hint of his having been sent back to the Isle of Wight, it may be presumed that it was somewhere in London.

[2] Rogers, *Jegar Sahadutha*, E, 919, 9.

choicest spirits of the day in which he lived, but also that his practice time after time outran his profession. Again and again he had associated himself with the opinion that blasphemy and atheism, whether they were dangerous to the Government or not, were insufferable in a Christian State. Yet, when he was called on to put his opinion in practice, his generosity of spirit proved too strong for his theories, and he showed himself anxious to alleviate the lot of the sufferers, if not to remit entirely the penalties imposed on them by law.

Biddle again in trouble.

The Protector's dealings with Biddle furnish a case in point. In the summer of 1655, after his liberation on bail,[1] Biddle was again in trouble, not altogether by his own fault. A Baptist named Griffin challenged him to defend his creed in public, and Biddle naturally, if imprudently, took up the glove. The disputation, opened in St. Paul's on June 28, was adjourned to the following week; but before the appointed day arrived Biddle was arrested by an order from the Council.[2] The Lord Mayor, in committing him for trial, hinted that he might be exposed to the monstrous penalties of the Presbyterian Blasphemy Ordinance of 1648.[3] On July 27 the Council, which was evidently set against him, passed over his petition for

June 28. A disputation at St. Paul's.

July 27. The Council refuses to release him.

[1] See *supra*, p. 105.

[2] Council Order Book, *Interr.* I, 76, p. 155. There is nothing in *A True State of the Case* (E, 848, 12), an account of the matter drawn up by Biddle's followers, to show that Griffin appealed to the secular arm. It is said that the informer was a Mr. Brookbank, but the fact that a public disputation had been held must have been notorious.

[3] There is, however, nothing to show that the trial would have been held under the Presbyterian Blasphemy Ordinance, or that, if an attempt had been made so to hold it, the Court would not have ruled that the ordinance was superseded by the later Blasphemy Act. The Lord Mayor's *obiter dictum* could not possibly settle a question of law.

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redress. In September, when the day of his trial was approaching, his supporters presented a petition to the Protector himself, in which they alleged that Biddle's case was covered by the articles of the Instrument which assured liberty of conscience to all who professed faith in God by Jesus Christ. To this allegation Oliver sternly replied 'that the liberty of conscience provided for in those articles should never, while he hath any interest in the Government, be stretched so far as to countenance them who deny the divinity of our Saviour, or to bolster up any blasphemous opinions contrary to the fundamental verities of religion.'[1] A week later, exasperated at the discovery that the wording of the petition had been altered after some of the signatures had been appended, he used even stronger language. If Biddle, he declared, were in the right he himself and all other Christians were no better than idolaters. No countenance should be given to the avowal of such opinions. Yet, firm as this declaration was, it was not followed by corresponding acts. On October 5 the Council, with the full concurrence of the Protector, ordered the removal of Biddle to the Scilly Isles.[2] The act of the Protector may have been illegal, but it was undoubtedly one of kindness to the sufferer, who would have had harder measure at the hands of a court of law.

Sept. An appeal to the Protector, who refuses to intervene.

Oct. 5. Biddle removed to the Scilly Isles.

Unpopularity of the 'Quakers.'

The unpopularity of Socinians, however, was slight in comparison with the unpopularity of 'Quakers.' Magistrates detested them for their

[1] *Merc. Pol.*, E, 854, 1.

[2] *Ib.* Council Order Book, *Interr.* I, 76, pp. 326, 328. On Oct. 24 there was a petition to the Council from two stationers, asking that steps might be taken against a book with the title of *Præadamitæ*, on the ground that it cast a slur on the Biblical account of the Creation.

insolence in refusing to acknowledge the dignity of local authority by bowing or removing their hats, whilst they alienated the masses by condemning their revelries. Religious people of fixed opinions were irritated not only by the pertinacity of their arguments, but by the unseemly interruption of their favourite preachers. Behind all this was a widely-spread conviction that the doctrine of the inner light was a blasphemous assumption of the personal inspiration of the Almighty. In the summer of 1655, in the course of a missionary tour in the West, Fox arrived at Kingsbridge. Seeking a lodging at an inn, he addressed the tipplers, warning them that it was time to receive light from Christ. At once the innkeeper, fearing a diminution of his custom, stepped up to the promulgator of a doctrine so dangerous to his interests. "Come," he said, holding a candle in his hand, "here is a light for you to go into your chamber." At Menheniot Fox, according to his own account, succeeded in making a 'priest confess he was a minister made and maintained by the State.' At St. Ives he and his companions were hustled in the street and brought before one Peter Ceely, a justice of the peace, who sent them off as prisoners to Launceston gaol, apparently on suspicion that they were Roman Catholic missionaries in disguise.[1] On the way they met Desborough, on his first visit to his district as Major-General, and reproved him for speaking against

Fox at Kingsbridge,

and at Menheniot.

He is arrested at St. Ives, and sent to Launceston gaol.

[1] In his *Journal* Fox says that Ceely 'tendered the oath of abjuration to us, whereupon I put my hand in my pocket and drew forth an answer to it which had been given to the Protector.' The oath referred to was probably the one required from Roman Catholics, and may be connected with the delusion that the 'Quakers' were Roman Catholics in disguise. Fox's objection was not to its substance, but to its being an oath.

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the light of Christ, with the result that he refused to interfere in their favour.

1656. Fox before Glyn.

After many sufferings the imprisoned 'Quakers' were brought at the spring assizes before Chief Justice Glyn, who rebuked them for refusing to remove their hats. On this Fox asked where there was any mention in Scripture of a magistrate ordering that hats should be taken off. "If," he added, "the law of England doth command any such thing, show me that law, either written or printed." "I do not carry my law books on my back," replied Glyn sharply, and ordered the gaoler to remove the prisoners. Soon afterwards, however, Glyn, imagining that he had found a satisfactory repartee, directed that they should again be placed at the bar. "Come," said the judge, "where had they hats from Moses to Daniel? Come, answer me! I have you fast now."

It was ill discussing points of Scripture with Fox. "Thou mayest read in the third of Daniel," was the prompt reply, "that the three children were cast into the fiery furnace with their coats, their hose, and their hats on." "Take them away, gaoler!" cried the discomfited judge. Yet in the end he mastered his annoyance, and taking no heed of the accusation brought against the prisoners—whatever it may have been—contented himself with fining them twenty marks apiece for contempt of court, and ordering that they should remain in prison till that sum had been paid. Glyn probably did not count on the obduracy with which Fox was likely to stand out against the admission that he had committed a fault where he could see no fault at all, and, noisome as was the atmosphere of a gaol in those days, the imprisoned 'Quakers' preferred to endure every hardship rather than acknowledge that they could justly be required

Fox fined for contempt of Court and sent back to prison.

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to uncover their heads in the presence of a fellow-mortal, however exalted his worldly rank might be. An attempt to induce Glyn to reconsider his sentence, on the ground that it was unsupported by law, having naturally failed, one of Fox's devoted followers, Humphrey Norton, sought out the Protector, offering to give himself up to imprisonment in Doomsdale—the filthiest dungeon in the filthy gaol—if his teacher might be liberated in his stead. Such devotion roused Oliver's astonished admiration. "Which of you," he asked, turning to the Councillors who stood around him, "would do so much for me if I were in the same condition?" To Norton he could but reply that it would be a breach of the law to imprison him with no charge hanging over his head.[1]

An appeal to the Protector.

Yet, though the Protector refused to commit an innocent man, the right of pardon was in his hands, and he transmitted orders to Desborough to let the imprisoned 'Quakers' go free.[2] Desborough accordingly informed them that the gaol-doors were open to them if they would promise to go home and preach no more. On their raising objections, he asked them to give an engagement to comply with his wishes 'if the Lord permitted.' This compromise was, however, swept aside by the indomitable 'Quakers,' who told the Major-General that they knew it to be the will of God that they should 'go to speak at some other place.' Desborough upon this refused to have anything more to do with them; but a month later Colonel Bennet, the master of the gaol, informed them that he would detain

Aug. Desborough ordered to liberate the 'Quakers.'

[1] Fox's *Journal* (ed. 1891), i. 265–318. Mr. Hodgkin gives Norton's name from a MS. of the *Journal*. *George Fox*, 137.

[2] Desborough was at Launceston on Aug. 12, *Thurloe*, v. 302. Fox's letter to him is dated Aug. 13.

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Sept. 13. who are set free.

them no longer, on the sole condition that they would pay his fees. Fox characteristically replied that no fees were due from innocent prisoners. Fox attributed his liberation without payment to the power of the Lord softening the evil heart of the Colonel. More worldly observers might suspect that the gaoler was to some extent influenced by strict orders from Whitehall.[1]

Fox denounces amusements.

As in Rogers's case, the Protector's instruments had outrun their master's wishes in their persecuting zeal. In their eyes Fox was guilty of the fault which seldom admits of pardon—the fault of exaggerating their own extravagances. If they denounced the amusements of others which might possibly tend to the nurture of immorality, he denounced their amusements even when they were obviously innocent. Fox had condemned Desborough to his face when he found the Major-General seeking relaxation in a game of bowls, using language which would have been appropriate if Desborough had been a drunkard. Even the Protector must have felt it impossible to secure mildness of treatment for men who set at defiance both the popular sentiment and the feelings of influential classes. In this respect he could not count on the willing co-operation of the Major-Generals. "We are extremely troubled in these parts with Quakers," wrote Worsley from Cheshire. When he reached Lancashire he told the same tale: "We are much troubled with them that are called Quakers. They trouble the markets, and get into private houses up and down in every town, and draw people after them." Goffe in Hampshire was even more disquieted. Writing before Fox's proceedings in Cornwall had landed him in Launceston Gaol, he unbosomed himself to

Major-Generals complain of the 'Quakers.'

[1] Fox's *Journal*, 318-22.

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Thurloe in such terms as these: "Fox and two more eminent Northern quakers have been in Sussex, and are now in this county, doing much work for the devil, and delude many simple souls. . . . I have some thoughts to lay Fox and his companions by the heels if I see a good opportunity."[1] It may at least be conjectured that the liberation of nine 'Quakers' imprisoned in Evesham gaol, apparently for non-payment of fines imposed for contempt of court, was owing to the intercession of the kindly Berry.[2] Even the Protector probably wavered between his dislike of infringing the principles of religious liberty and his dislike of the disorder which almost invariably resulted from the indiscretion of the new sectaries. He can have been little moved by Fox's appeal: "You say the Quakers come to disturb you in your churches—as you call them. Was it not the practice of the Apostles to go into the synagogues and temples to witness against the priesthood that took tithes."[3] There was little similarity between the sober argument of a Paul in an avowed discussion and the exasperating taunts of a 'Quaker' fanatic.

Nine 'Quakers' liberated at Evesham

So far as disturbances of public congregations were concerned the Protector had already made his mind known by his proclamation of February 1655,[4] and about a year later he personally interfered to carry out his principles in practice. A 'Quaker' having stood up in the chapel at Whitehall to argue in support of his creed, Oliver, being himself present, directed that the offender should be taken before the

Apr. 13. The Protector orders the arrest of a 'Quaker.'

[1] Worsley to Thurloe, Dec. 14, 21; Goffe to Thurloe, Jan. 10, *Thurloe*, iv. 315, 333, 408.

[2] Berry to Thurloe, March 14, *ib.* iv. 613.

[3] Fox's *Journal*, i. 305.

[4] See *supra*, p. 107.

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nearest justice of the peace.[1] As for the punishments inflicted by magistrates and judges for contempt of court or for supposed contravention of the Blasphemy Act, the Protector could only interfere by exercising his right of pardon, and this right he may not in such cases have been inclined to use.

Jews in England.

Whilst the 'Quakers' irritated the popular sentiment by the arrogance with which they defied the social habits of the country, and by their determination to thrust themselves forward in public congregations, the little colony of the Spanish and Portuguese Jews who had for some years been stealing into London, either to escape the terrors of the Inquisition or in pursuit of gain, was doing its utmost to escape observation. It was formed, for the most part, of men of wealth and position, with wide commercial alliances on the Continent and in the Spanish and Portuguese colonies. Their numbers were now sufficient to suggest the establishment of a synagogue in Creechurch Lane, access to which was jealously guarded against intruders, lest they should call down the action of the authorities upon the worshippers.[2] Yet it could not fail to occur to other Jews who had not yet visited England, and who were

A synagogue established.

[1] *The Public Intelligencer*, E, 493, 7.

[2] A statement in *Perfect Proceedings* (E, 842, 6) that 'this day,' *i.e.* June 2, 1655, 'some Jews were seen to meet in Hackney—it being their Sabbath day—at their devotion, all very clean and neat, in the corner of a garden by a house, all of them with their faces towards the East, their minister foremost, and the rest all behind him,' may safely be rejected. This worship in the garden is not in accordance with Jewish usage, and everything we know of the history of the early Jewish community precludes the notion that there was a second synagogue at Hackney. Mr. Lucien Wolf has suggested to me that the congregation was one of some sect of Judaising Christians. For the customs of the Jewish colony see especially Mr. Lucien Wolf's *Resettlement of the Jews*, *Cromwell's Jewish Intelligencers*, and *Crypto-Jews under the Commonwealth*.

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consequently out of touch with English prejudice, that the Puritan reverence for the heroes of the Old Testament, together with the growth of the spirit of toleration, might open the doors to a large immigration, and that permission might be given to the newcomers to worship more openly the God of their fathers in the long-established fashion. The first to make the attempt was Manuel Martinez Dormido, an Andalusian, who had spent five years in the prisons of the Inquisition, and after carrying on his trade in Amsterdam since 1640, had found himself ruined in 1654 by losses sustained in consequence of the Portuguese reconquest of Pernambuco from the Dutch. He accordingly made his way to England, where the Protector received him with favour, and recommended his petition to the Council, which, however, refused to make any order upon it.

1654. Dormido's petition

Dec. 5. rejected by the Council.

Naturally, the existing colony, fearing to endanger the tacit connivance under which it lived, abstained from taking part in Dormido's enterprise, and the further prosecution of the suit fell upon Manasseh Ben Israel, an enthusiastic but somewhat dreamy Amsterdam rabbi and physician, who took the cause of all Judaism upon his shoulders, and imagined that he could prevail on England to become the refuge of the poor and persecuted of his race.[1] When he arrived in London in October, cir-

Manasseh Ben Israel

1655. Oct. arrives in London.

[1] Manasseh Ben Israel is innocent of the supposed familiarity with the Protector attributed to him by Rawdon Brown, *Avisi di Londra*, *Philobiblon Soc.*, *Bibliogr. and Hist. Miscellanies*, vol. i. Sagredo's words are: 'Venne un Ebreo 'd Anversa, s' introdusse con sagacità dal Protettore, havendolo conosciuto in quella città quando, prima che montare il posto rillevato over presentamente s'attrova, se ne andava privatamente vedendo la Fiandra.' Not only is this despatch dated Dec. $\frac{3}{4}$, about two months after Manasseh's arrival, but Manasseh's home was Amsterdam, not Antwerp. Sagredo's words, probably founded on some mistake, give us the only intimation of Cromwell's ever having been out of England.

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cumstances had occurred which made a more favourable decision probable. As war with Spain loomed in the near future, the services of the Spanish Jews in England became more valuable. On August 17 the leading man amongst them, Antonio Fernandez Carvajal, who had resided in England twenty years, received letters of denization from the Protector,[1] and then, or possibly at an earlier date, offered to the Government the services of his correspondents on the Continent to gather intelligence of Spanish preparations and Stuart plots. In September another wealthy Jewish merchant, Simon de Caceres, laid a plan before Thurloe for an expedition against Chili, and another for the fortification of Jamaica.[2] Even the Council must have perceived that it was unwise to discourage such men.

Aug. 17. Carvajal made a denizen.

Sept. Services of Caceres.

Nov. 5. *Humble Addresses.*

On November 5 Manasseh published his *Humble Addresses* to the Protector, defending Jews from calumnies raised against them, and arguing, with some defect of worldly wisdom, that as England was the only country rejecting them, their re-establishment would, according to the prophecies, be the signal for the coming of the Messiah.[3] A few days later he prepared a request for the admission of his race on an equality with the natives of England. He also asked that Jews might be permitted to open public synagogues, to possess a cemetery of their own, to carry on trade without hindrance, to erect a judicature which might decide disputes between members of their community, reserving an appeal to the courts of the land, and also that all laws enacted to their disadvantage might

Demands of Manasseh.

[1] *Patent Rolls*, 1655, Part iv. No. 12.

[2] *Thurloe*, iv. 61, 62.

[3] *The Humble Address of Manasseh Ben Israel*, E, 490, 1.

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be repealed.[1] The Council, to which these demands were referred by the Protector, passed them on to a committee chosen from amongst its own members.[2] The committee, feeling itself incompetent to decide the question without further enlightenment, asked permission to associate with itself a number of ministers and merchants, together with Chief Justice Glyn and Chief Baron Steele.[3]

Nov. 13. Reference to a committee.

The conference thus summoned met at Whitehall two or three times a week between December 4 and 18, with no direct practical result, though the Protector was present on each occasion and showed himself favourable to Manasseh's request. Opinion was divided amongst the ministers and in the Council itself, and the only evidence of an attempt to arrive at a common conclusion is to be found in an unsigned paper, which probably gave the opinion of the Committee of Council, though it does not seem ever to have been presented to the Council itself.[4]

Nov. 15. A conference summoned, Dec. 4–18. but separates without any direct result.

Whoever the compilers may have been, their conclusion was merely hypothetical. They declared it to be necessary to suspend their judgment on the propriety of admitting Jews to England till certain

A committee report.

[1] Wolf, *Resettlement*, 15.

[2] Reference by the Council, *S.P. Dom.* ci. 117.

[3] Chief Justice St. John was also summoned, but for some reason or another he did not take part in the proceedings.

[4] The paper is printed from the original (*S.P. Dom.* ci. 118), with the title 'Report of the Council of State on Manasseh's Petition,' by Mr. Wolf (*Resettlement*, 16). The absence of any notice of it in the Council Order Book shows that this is not a correct description. Mrs. Everett Green does not commit herself to the authorship of the paper, but dates it on Nov. 13, which is obviously a mere guess. There are none of the erasures which would show it to be a draft, and I am therefore inclined to take it to be a resolution agreed on by the committee, but never presented. It is not improbable that Oliver hindered its presentation, fearing an adverse decision if it came before the Council. The endorsement is partly illegible, but the following words can still be read: 'Concerning permitting — ? Jews with license [?] . . .'

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safeguards had been provided.[1] All claims to maintain a private judicatory must be forbidden, Jews must be prohibited from defaming the Christian religion, from working on the Lord's Day, from employing Christian servants, from bearing office in the Commonwealth, and even from printing in the English language anything opposed to Christianity. Nor were they to throw obstacles in the way of the conversion of any members of the community; whilst a severe penalty was to be imposed on any Christian converted to Judaism. All this was followed by a strong condemnation of Jewish practices in general, and of Manasseh's plausible addresses in particular.

The conference hostile.

Whether the members of the conference were inclined to go even so far as this may be doubted. The divines were for the most part hostile; the objections of the London citizens on the score of danger to their trade interests were insuperable.[2] Manasseh's sanguine expectation of a vast influx of Jewish paupers was by no means likely to conciliate opposition. The Protector, therefore, put an end to its sittings, intimating that he would take the question into his own consideration. That consideration, however, was of no personal benefit to Manasseh. An answer to his petition was refused, and though the

[1] The wording of the paper is somewhat ambiguous. "That the Jews desiring it may be admitted into this nation, to trade and traffic and dwell amongst us as Providence shall give occasion.

"This as to point of conscience we judge lawful for the magistrate to admit in case such material and weighty considerations as hereafter follow be provided for; about which till we are satisfied we cannot but in conscience suspend our resolutions in this case." I think, however, that the first paragraph is merely to be taken as the thesis with which the report is about to deal, not as a substantive proposition.

[2] The Dutch ambassador understood that the refusal of the latter to concur with the proposals was the main cause of the Protector's dropping the affair. Nieupoort to the States General, Jan. $\frac{1}{11}$, *Add. MSS.* 17,677 W, fol. 208.

Protector solaced him with a pension, he was forced to cross the sea discomfited, together with a number of Jews who had accompanied him and had shared his hopes.[1] CHAP. XLI. 1655

Nevertheless, the abortive conference had accomplished much. In the course of the discussion an opinion had been elicited from the two judges who had taken part in the proceedings that there was no law forbidding Jews to return into England.[2] After this the Protector's strength was to sit still.[3] Unless a successful action were brought against a Jew for mere residence in England, no executive interference was needed to confirm him in rights which he had never lost. As no such action was ever brought, it may be held that the legal re-settlement of the Jews dates from this extra-judicial opinion of Glyn and Steele, though the exact day on which that opinion was given is no longer ascertainable.

A verbal promise

It did not, however, follow that because Jews were admitted to live in England they would be allowed to practise their religion. The benefits of the Act passed in 1650 to repeal all clauses in statutes imposing penalties for not attending church were limited to those who resorted on the Lord's Day to some place of prayer or preaching,[4] a condition which no Jew could be expected to fulfil. Oliver, however, might be trusted to see that the spirit rather than the letter of the Act was carried into practice, and he gave to the Jews a verbal assurance that the recusancy laws should not be enforced against them.

[1] *A Narrative of the Late Proceedings* [by H. Jessey].

[2] *Ib.* p. 9.

[3] "The Jews, though the generality of the divines oppose, yet we hear they will be admitted by way of connivancy." Robinson to Williamson, Dec. 31, *S.P. Dom.* cii. 77a.

[4] *Scobell*, ii. 131.

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March 24. A written engagement refused.

A petition asking for a written confirmation of this engagement was referred by the Protector to the Council in the following March, but, as might have been expected, it met with no response.[1] Even if that body had been more favourably disposed towards the Jews than was the case, it was hardly likely to commit itself by a formal order to the effect that the existing law should not be carried into effect. That there was no intention of interfering with the quiet exercise of the Jewish worship is shown not merely by the uninterrupted continuance of the synagogue in Creechurch Lane, but also by the purchase of a Jewish cemetery in February 1657.[2] By that time Manasseh Ben Israel had left England, and the Government was able to feel that in conferring favours on the old Jewish colony it had to deal with men who, unlike Manasseh, were sensitive to the danger of challenging public opinion by undue demonstrativeness.

1657. A Jewish cemetery.

1656. March 24. Case of Robles.

How furtive was the concealment which these Spanish and Portuguese Jews had long practised was brought to light by a case which resulted in the withdrawal of any claim on the part of the Government to interfere with the trade of Jews in England. A certain Antonio Rodrigues Robles, who had large commercial undertakings on foot, was denounced as a Spaniard, a demand being made for the confiscation of his goods, on the ground that he was the subject of a prince at war with England.[3] In a petition referred by the Protector to the Council[4] he made answer that he was a Portuguese of the

[1] Petition of Seven Jews, March 24, *S. P. Dom.* cxxv. 58.

[2] Account by Mr. Israel Davis in the *Jewish Chronicle*, Nov. 26, 1880.

[3] War having by that time been declared.

[4] On March 24, the day of the reference to the Council of the petition for a written confirmation of religious toleration.

Hebrew nation,' whose father and other relations had been burnt or tortured in Spain by the Inquisition. Inquiry was ordered, and in the main the evidence supported his contention; but not only was some support given to the assertion of his Spanish birth, but it came out that he had been in the habit—and the practice was one common to others of his race—of attending Mass in the chapel of the Spanish ambassador, a practice of which the only conceivable motive was a desire to obtain the support of Spain if any commercial difficulty should arise with the English authorities. What had hitherto been helpful had become dangerous, and the members of the Jewish community were now as anxious to disclaim all connection with Spain as they had formerly been desirous of establishing it. On May 14 a report by the Admiralty Commissioners, to whom the investigation had been referred, professed inability to decide whether Robles was a Spaniard or a Portuguese, but two days later the Council, giving no reason for its decision, ordered the liberation of his goods.[1]

May 14. Report by the Admiralty Commissioners.

May 16. Its consequences.

The direct consequence of this order may easily be exaggerated. It merely decided that Robles was not to be treated as a Spaniard. His legal status, and that of all his co-religionists of full age, with the exception of Carvajal and his son, was that of an alien,[2] though as such he would be allowed to trade in England under comparatively disadvantageous circumstances. In the eye of the law the Hebrew nation, to which Robles claimed to belong, was non-existent. Nevertheless, as had been the case with

[1] Wolf's *Crypto-Jews*, 7–10, where references to the State Papers are given.

[2] An alien was defined in the judgment in Calvin's case to be a person not born within the King's allegiance, or, as it would be put in 1656, not born in the dominions of the Commonwealth.

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the conference, the indirect result of the Robles case was considerable. The Jews in England shook themselves loose from the Spanish connection, and thereby shielded themselves from the unpopularity which could not fail to accrue to them if they remained attached to the enemies of the State. Practically, if not legally, even those who had been born in Spain would be thought of, not as Spaniards, but as Jews; whilst, after all, as children of aliens born in England were legally recognised as Englishmen, their disqualifications would not outlast a single generation. There might be difficulties still in their way, but they would be difficulties attaching to their religion rather than to their race. In the meanwhile they knew that they were able to render themselves serviceable to the existing Government as intelligencers, and that the Protector's favour was secured to them not merely by his tolerant instincts, but by his interests as well.

1654. The case of the Roman Catholics.

All that was required for the toleration of Jews was the laying aside of ill-founded prejudices. Between the English people and the toleration of Roman Catholics lay the memory of persecutions inflicted and endured, and the consciousness of the existence of a compact ecclesiastical organisation which might easily be brought to bear upon the political as well as upon the religious development of the country. They were in consequence excepted from toleration by *The Instrument of Government* itself, and though recusancy fines were no longer levied under that name, they continued to be demanded from those who refused to take the oath of abjuration, which contained engagements—such as the renunciation of the Papal authority and the doctrine of transubstantiation—which no Roman Catholic could be

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expected honestly to take. In April 1655, after the explosion of the Royalist insurrection, a proclamation was issued announcing that the law would be enforced, not only against laymen who refused this oath, but also against priests and Jesuits.[1] Yet with the passing away of the alarm there appeared an increased desire to abstain from direct interference with religion.[2] In October Sagredo, who had recently arrived as the first ambassador sent by Venice to England since the hopelessness of the resistance of Charles I. had been manifested, described the policy of the Government as a resolution 'to deprive the Catholics of their possessions, but to let them hear as many Masses as they would.' At all events, when Cardenas left London twenty priests migrated to the Venetian Embassy, where the large hall was insufficient to contain the crowds flocking to attend Mass. The wrath of the Protestant clergy was increased by the knowledge that English priests were allowed to preach sermons in their own language.[3] Representations were accordingly made to the Council on the subject; and the Council suggested that Sagredo might be warned. To this, however, the Protector demurred, saying that the Venetian had done no more than the ambassadors of other nations. Yet, on the following Sunday, guards were placed round the Embassy, and the worshippers arrested as they passed out into the street.[4] More than four hundred were conveyed to prison. Many

April 26. Proclamation against them.

Oct. Policy of the Government.

Mass at the Venetian Ambassador's.

1656. Arrest of Englishmen attending it.

[1] *Proclamation*, April 26, 1655, B. M. press-mark, 669, f. 19, No. 74.

[2] If there had been any recrudescence of persecution during this year it would surely have left its mark on the correspondence of the Nuncio at Cologne, whose business it was to forward English news to Rome.

[3] Schlezer to the Elector of Brandenburg, *Urkunden und Actenstücke*, vii. 733.

[4] Sagredo to the Doge, Oct. $\frac{1}{11}$, *Venetian Transcripts*, *R.O.* For Sagredo's mission, see *infra*, p. 448.

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of these were compelled to enter into recognizances to appear at the next Middlesex Sessions;[1] but as neither Sagredo nor his secretary, Giavarina—who after the ambassador's departure acted as resident on behalf of the Venetian Republic—took any further notice of the affair, it is to be presumed that all escaped with a warning not to repeat their offence.[2]

Sept. 25. The Catholics virtually tolerated in their religion.

At all events, Bordeaux, writing eight months later, declared that though the laws against the Catholics had not been modified, the connivance shown to them, the number of priests remaining at large in London, and the freedom with which the chapels of foreign ambassadors were frequented, were sufficient evidence that his co-religionists received better treatment under the Protector than had been accorded to them by any former Government, whether Royal or Parliamentary.[3] There was, on the other hand, no disposition to relieve them of recusancy fines. Their purses, in short, were to continue to suffer. Their religious worship—so long as it was not too ostentatious—was left unmolested.

Little less may be said of those whose standard was the Book of Common Prayer, and who were politically far more dangerous. To join in worship at St. Gregory's was, indeed, no longer permitted them, but, for the most part, they were not denied the shelter of a private roof. In August 1656, Evelyn tells us that he 'went to London to receive the Blessed Sacrament, the first time the Church of England was reduced to a chamber and conventicle,

Evelyn's experience.

[1] *Middlesex County Records*, iii. 244, 245.

[2] This presumption is strengthened by a remark of the editor, Mr. Cordy Jeaffreson (*ib.* 244) in the cases of other persons against whom a true bill was found for hearing Mass, that 'these true bills exhibit no minute touching arraignment or the consequences thereof.'

[3] Bordeaux to Brienne, $\frac{\text{Sept. } 25}{\text{Oct. } 5}$, *French Transcripts, R.O.*

so sharp was the persecution. . . . Dr. Wilde preached in a private house in Fleet Street, where we had a great meeting of zealous Christians, who were generally much more devout and religious than in our greatest prosperity.' At Christmas in the same year he again visited London 'to receive the Blessed Communion this holy festival at Dr. Wilde's lodgings, where I rejoiced to find so full an assembly of devout and sober Christians.' At Christmas in 1657 he had a more unpleasant experience. This time he was in the chapel of Exeter House, where, whilst Gunning was administering the Communion, soldiers burst in, pointed their muskets at the members of the congregation, and stopped the service, on the plea that those who attended it had broken the ordinance against the keeping of Christmas Day. No personal injury, however, was done to the worshippers, who after a short detention were allowed to return to their homes.[1] Other evidence leads to the conclusion that there was little real persecution. It is not recorded that the congregation which met at Oxford in the house of Dr. Willis, the physician, opposite Merton College, was interfered with in a single instance.[2] Faringdon, an able and attractive preacher, who had been adopted as the regular pastor of a church in Milk Street, was silenced for a while, but appears to have been permitted before long to return to his ministrations.[3] John Hales, indeed, upon the issue of the Protector's Declaration of November 24,[4] voluntarily left the refuge which, upon

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A congregation at Oxford.

Faringdon's preaching tolerated.

Case of John Hales.

[1] Evelyn's *Diary and Correspondence*, i. 316, 317, 323. For further interference at the same time, see *Clarke Papers*, iii. 130.

[2] Wood's *Athenæ*, iii. 1059.

[3] Walker's *Sufferings of the Clergy*, ii. 96. Wood (*Athenæ*, iii. 457) gives no account of Faringdon's dismissal.

[4] See *supra*, p. 190.

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his expulsion from Eton, he had found as tutor to Mrs. Salter's son, lest he should bring harm on his patroness; but his death, occurring not long after the time when the rigour of that Declaration began to be relaxed, makes it impossible to say whether, if his life had been prolonged, he would have found it necessary permanently to forsake that haven of rest.

May 19. His death.

Partial connivance.

The measure dealt out to those scholars and gentlemen who never failed in their attachment to the services of the Church as they had been developed in the days of Laud was certainly very far from religious liberty. Old association of their doctrine and discipline with the harshness of episcopal rule before its overthrow by the Long Parliament, and still more a present fear lest its revival should lead the way to political revolution, stood in the way of that. There was, however, a connivance, seldom violated so long as the congregations did not obtrude their worship on public notice, and granted all the more readily because that worship was in no sense popular. It was, moreover, well understood that if the Royalists were to regain their hold on the general feeling, they would owe it to other causes than their attachment to the Church which had recently dominated the land.

A reaction against dogmatic Puritanism.

Whether the Anglican formularies were to recover their place of honour or not, there were signs that if Puritanism was to stand, it would be a Puritanism very different from the Puritanism which had fed the fires of the opposition against Charles and Laud. The strict Calvinistic dogmatism which still furnished material for most of the sermons of the day had not only been rejected by George Fox and the Society of Friends, but was beginning to relax its hold upon deeper thinkers on the Puritan side. Such men,

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indeed, were unlikely to approve of the opinion of Sanderson, who, retaining his parish at Boothby Pagnell, where he was in the habit of reciting to his congregation the petitions of the Prayer Book from memory, told Izaak Walton that the 'Holy Ghost seemed to assist' its 'composers, and that the effect of a constant use of it would be to melt and form the soul into holy thoughts and desires and beget habits of devotion';[1] but they would feel some sympathy with Evelyn's complaint, that 'there was nothing practical preached or that pressed reformation of life, but high and speculative points and strains that few understood, which left people very ignorant and of no steady principles: the source of all our sects and divisions, for there was much envy and uncharity in the world: God of his mercy amend it.'[2]

Sanderson at Boothby Pagnell.

Evelyn's complaint of speculative preaching.

The reaction against Calvinism which had arisen in the early part of the century in the University of Oxford, but had received a check from the unwise attempt of Charles and Laud to force it prematurely on the world, was now doing its work in a more modest but no less serious fashion in the University of Cambridge. Oxford, reformed by the Independents, was content with the vigorous Vice-Chancellorship of Owen, and though making no inconsiderable progress in discipline and learning, developed at this time no special school of religious thought. With Cambridge it was otherwise. Reformed by the Presbyterian Manchester whilst Oxford was still garrisoned for the King, that University was now giving birth to ideas which could not fail to influence the coming generation.

A Cambridge movement.

The leader of the Presbyterian party at Cambridge

Anthony Tuckney.

[1] Walton's *Lives* (ed. 1817), ii. 253. [2] Evelyn's *Diary*, i. 317.

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was Anthony Tuckney, successively Master of Emmanuel and St. John's. Tuckney was by no means a sour or gloomy fanatic. He had done his best to save Sancroft, the future Archbishop, from ejection in consequence of his refusal to take the engagement.[1] He had, however, been a leading member of the Westminster Assembly of Divines, and though he refused to vote for the election to fellowships at St. John's of candidates represented to be godly, on the ground that they might deceive him in their godliness, but could not deceive him in their scholarship, he was none the less disinclined to countenance any open attack upon the Calvinistic teaching which he had adopted as his own.

Benjamin Whichcote.

In 1651 Tuckney fell into a controversy with his old pupil, Benjamin Whichcote, now Provost of King's and Vice-Chancellor of the University, in which he upheld the importance of maintaining the received dogmas. Whichcote's favourite quotation from the Book of Proverbs: "The spirit of man is the candle of the Lord," reminds us at first sight of Fox's teaching on the inner light. In truth the only agreement of the two was in their determined opposition to the reigning Calvinism. Whilst Fox held firmly to a supernatural indwelling of God's light in the heart and conscience, Whichcote believed that reason was given by God to enable men to appropriate Divine truth. "What," he demands, "doth God speak to but my reason? and should not that which is spoken to hear? Should it not judge, discern, conceive what is God's meaning?"[2] Unlike Chillingworth and Hales, who had striven to impose limits on dogmat-

[1] Sancroft to Brownrigg, May 24, 1651, D'Oyly's *Life of Sancroft*, i. 59. This would be quite in unison with Tuckney's wish that no one might be forced to sign the Westminster Confession.

[2] *Eight Letters of Dr. A. Tuckney and Dr. B. Whichcote*, 48.

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ism, Whichcote cut at the root of dogmatism itself. Though he founded no theological school, he shed round him an influence more powerful than any school, an influence dissolvent of the systems—Laudian or Calvinistic—which confronted him on either hand. The Latitudinarians, who contributed so much to break up the narrowness of English ecclesiasticism, were his spiritual descendants. Whichcote's view of religious life was far from implying a return to the Anglicanism beloved by Hammond and Sanderson. His protest was made, not against the wider Puritanism which held individual religion to be above all Church organisation, but against the cramping hold of Puritan orthodoxy on the human mind. Yet in his appeal to reason as the judge of truth he was undoubtedly in harmony with that spirit of the Renaissance which for more than a century had played so large a part in the evolution of the English Church.[1]

1653-57. Spread of voluntary associations.

Equally decisive was the reaction against ecclesiastical chaos indicated by the spread of Baxter's system of voluntary associations.[2] By the beginning of 1657 it had been adopted in fourteen counties.[3] These associations provided, in the first place, for the ordination of ministers, and, in the second place, for the establishment, by a mutual understanding between the clergy and their congregations, of a discipline which would enable the former to repel persons of scandalous life from participation in the Lord's Supper. Those who took part in these meetings were Presbyterians and Independents, though

[1] On Whichcote see an appreciation by Bishop Westcott in *Masters of English Theology*, 147. Compare Tulloch's *Rational Theology*, ii. 45.

[2] See Vol. ii. 326.

[3] Shaw's *Church under the Commonwealth*, ii. 152–165.

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all Presbyterians and all Independents did not submit to their decisions. From the point of view of the historical development of religious systems, this temporary expedient is mainly interesting as showing that the tide was turning against sectarian organisation as well as against sectarian theology.

Oliver's relations with these movements.

So long as Oliver lived and ruled there was no likelihood that either of these movements would go to strengthen the opposition to his Government. Resistance to the enforcement of dogmatic belief or of organised systems of discipline was near to his heart, and if the Protector's life had been prolonged beyond the ordinary span of humanity, it is likely enough that those very elements which strengthened the Church of the Restoration might simply have given endurance to the ecclesiastical system of the Protectorate by ridding it of its harsher elements.

Students of natural science.

A still more powerful solvent of Puritan exclusiveness lay in the devotion of a little group of men, mostly Oxonians by education or adoption, to the study of natural science. This society, in which Wilkins, the warden of Wadham, who was married to the Protector's sister, was officially pre-eminent, included such men as Robert Boyle, John Wallis, Christopher Wren, and Seth Ward. Its members met occasionally in London, but more usually at Oxford, ultimately gaining a sanction for their labours on the creation of the Royal Society after the Restoration. It does not, indeed, appear that Oliver showed any special protection—which, indeed, was never asked of him—to studies so alien from his own habit of mind; but he assuredly threw no difficulties in their way. Intellectual activity as such was certain of his favour, so long as it did not attempt to thwart

The future Royal Society.

Protection to intellectual activity.

him on the political stage. Cleveland, the satirist, had, as has been seen,[1] escaped persecution through his goodwill. Hobbes was left undisturbed in his most unpuritanical lucubrations. Cowley, who preferred to dedicate himself to the muses in England instead of intriguing against the Commonwealth as secretary to Jermyn and the Queen-Mother, was left unquestioned; whilst Davenant, formerly threatened with death by Parliament,[2] was not only living without danger in London, but before the end of 1656 started at Rutland House, without molestation, an entertainment in which declamation alternated with music—which may justly be regarded as the dawn of the revival of the drama in England.

[1] See p. 201.

[2] See art. 'Davenant' in the *Dict. of Nat. Biography*. The cases of Brian Walton and Pocock, often referred to in this connection, seem hardly to the point. The former simply received from the Protector a continuation of the favour, originally granted by the Council of State, of receiving the paper for his polyglot Bible Customs free. The preface, in which this statement is made, is in a copy of the edition of 1657 in the B. M. (press-mark 675, c. 1). As for the latter, the ejectors received such testimonies in his favour from Oxford that they refused to eject him from his living. The Protector had nothing to do with the matter.

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CHAPTER XLII.

MORAL ORDER.

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Aug. 28. Orders against unlicensed printing.

On August 28, 1655, at a time when the appointment of the Major-Generals was still in contemplation, the Council—probably in consequence of a statement in a pamphlet[1] that the Protector in reducing the army had taken care to disband as many Anabaptists as possible—ordered the appointment of commissioners to put in force the law against unlicensed printing, and at the same time directed that no newspaper should be allowed to appear without a license from the Secretary of State.[2] The Protector waited for twenty-four days before giving his approval to the first order, and for forty-two days before giving his approval to the second; but this delay on his part was probably owing less to any dissatisfaction with these repressive measures than to a perception that they would require the strong hand of the Major-Generals to enforce them.[3]

Character of the newspaper press.

Of the nine weekly newspapers still in existence, one—*Mercurius Politicus*—was the organ of the Government; another—*Mercurius Fumigosus*—was a retailer of dull indecencies. Of the remaining

[1] *A Short Discovery of His Highness's Intentions*, E, 852, 3.

[2] Council Order Book, *Interr.* I, 76, p. 252.

[3] Sept. 21 and Oct. 9, when the two orders were respectively approved, were notable dates in the development of the new system. See *supra*, pp. 175, 179.

seven, five took care never to venture on dangerous ground; whereas the other two—*The Faithful Scout* and *The Perfect Diurnal*—occasionally permitted themselves the use of closely veiled innuendoes directed against the men in authority. If the Protector had contented himself with the suppression of these two and of *Mercurius Fumigosus*, his action would have gone no further than might have been expected from him in the circumstances in which he was placed. What he did was to decree that thenceforward only two newspapers should appear—*Mercurius Politicus* and *The Public Intelligencer*—both edited by the same man, Marchamont Needham, in the interests of the Government, and appearing respectively on Thursdays and Mondays.[1] The last independent newspaper appeared on October 3.

Only two newspapers to appear.

Oct. 3. Appearance of the last independent newspaper.

The character of these official newspapers was not such as to compensate for the loss of unofficial criticism, faint as that criticism was at the time of its extinction. It is true that they dealt very fully with the transactions on the Continent, and that Englishmen were permitted to discuss with some knowledge of 'what the Swede intend and what the French,' and to amuse themselves with accounts of the latest festivities at the Court of Louis XIV., or of the latest pranks of Queen Christina. So far as home affairs were concerned the information doled out was of the meagrest. There was, no doubt, some readiness to interest the reader in naval affairs, in the orders and declarations which from time to time emanated from the Government, or in loyal

[1] It is incorrect to speak of the two as practically one newspaper appearing twice a week. They often contain the same news repeated in the same words, and must therefore have been intended for two different sets of readers.

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addresses presented to His Highness. Other news was admitted sparingly or not at all. It was only to be expected that criticisms of the policy of the Government, which found free expression in men's mouths, should be excluded, but it is strange that no care was taken to utilise the press in justification of the policy of the Protectorate, in the way that had been familiar to Englishmen when Milton wielded the pen in defence of the Government of the Commonwealth when the Scots threatened invasion in the days preceding Dunbar. It is, at all events, easily to be understood that the author of *Areopagitica*, however staunch was his support of the Protectorate, would refuse to demean himself by writing in its defence under such conditions.

The Major-Generals to raise the standard of morals.

To what extent—if at all—Milton approved of the institution of the Major-Generals we have no means of knowing. For Oliver's tolerationist policy and for his energy in keeping down the Royalists he had, doubtless, the warmest admiration, and probably he was not averse to his determination to use the authority of the Major-Generals to raise the standard of morals. Whether that determination, which could hardly fail to rouse more widely spread opposition than bonds and decimations imposed on a single class, had sprung from Oliver's own brain or from that of some other member of the Council, it is beyond question that the Protector threw himself with characteristic energy into the struggle. The City of London had been, to some extent, an obstacle in the way of the equal working of the action of the Major-Generals.

Skippon Major-General of London.

Skippon, whose personality was acceptable in the City, had been named as its Major-General; but, either in consequence of the infirmities of age, or through his own averseness to the high-handed duties required of

the holder of the post, he appears to have been disinclined to carry out the functions of the office; and Barkstead, the Major-General for the remainder of the County of Middlesex, was directed to act as his substitute in the City. Yet the Government hesitated long before authorising the Major-General to make use of his powers in the midst of a community accustomed to self-government for many generations; and nothing was done till it was found that the Royalists of other districts flocked surreptitiously to London in order to escape notice in their own homes, though by so doing they incurred the penalties denounced in the Proclamation which forbade them to come within a radius of twenty miles of the capital and which had been renewed after its expiry in the autumn.

Barkstead appointed to act as his substitute.

At last, on March 5 the Protector summoned to Whitehall the Lord Mayor, together with the Aldermen and other citizens, in order that he might present his resolution to them in the fairest colours. Assuring them that he had no thought of encroaching on their rights, privileges, or liberties, he represented his position as an enforcer of the law on those who had hitherto been on the side of disorder. "We had, indeed," he said, "many good laws, yet . . . we have lived rather under the name and notion of law than under the thing; so that 'tis now resolved to regulate the same—God willing—oppose who will." Idle and loose persons, he added, were pouring into the City in flight from the Major-Generals, and some provision must be made against the dangers they brought with them. "The sole end of this way of procedure," he significantly added, "was the security of the peace of the nation, the suppressing of vice, and the encouragement of virtue."[1]

1656. March 5. Oliver's address to the citizens.

[1] *Clarke Papers*, iii. 65.

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The whole activity of the Major-Generals was summed up in these words. It is, indeed, possible that if they had been allowed to restrain their actions to that of a police force employed to keep the peace, by the suppression or discouragement of active Royalism, posterity would have heard little of the illegality of their commissions. It was as discouragers of vice and encouragers of virtue that they roused the most virulent opposition. Yet the duty imposed upon them in this respect had long been traditionally expected from sovereign power, and though the procedure against the Royalists was undoubtedly not warranted by any existing law, it was by no means necessary to make use of extra-legal powers to countenance actions which would stir up a hornet's nest in every county in England. In putting in force the laws in this respect the Major-Generals had at their disposal the services of the justices of the peace, through whom it was easy to act without placing themselves too clearly in evidence.[1] In every district, indeed, the justices of the peace were backed by the authority and impelled forward by the energy of the Major-Generals, who had under their orders a militia numbering in all 6,220 horse and 200 foot.[2] In London not a single militiaman was quartered, except those raised by the civic authorities,[3] and Major-General Barkstead was therefore unable to put in motion a man of them

The Major-Generals as keepers of the peace,

and as suppressors of vice.

Major-Generals and justices of the peace.

The numbers of the militia.

No militia in London.

[1] In the eyes of the legal purist the ordinances and Acts of Parliament, not having received Royal assent, and the ordinances of the Protector issued before the meeting of his first Parliament, were invalid. In considering the Protector's intention it is necessary to assume the contrary.

[2] Including non-commissioned officers, but excluding commissioned officers.

[3] See *supra*, p. 172. The London militia is not reckoned among the 6,220.

without the voluntary co-operation of those authorities.[1]

In all parts the Major-Generals found it necessary to impart vigour to the Boards of Ejectors, which had been appointed to carry out the ordinance of 1654 for the ejection of scandalous or inefficient ministers who might have crept into cures during the times of anarchy.[2] Unfortunately, proceedings taken in this direction have only reached us in detail in the case of a certain Bushnell, ejected from the vicarage of Box. Though the evidence handed down is insufficient to enable a modern inquirer to speak positively on his deserts, there is enough to show that he was to some extent the victim of the ill-natured gossip of the neighbourhood, and that with grave charges of immorality were mingled accusations of having used in his ministrations the forms of the Prayer Book, of having played with cards and dice, and of having been disaffected to the Government.[3]

Enforcement of the ejection ordinance.

Bushnell's case.

The ejection of scandalous clergymen was an easy task compared with that of rectifying disorders amongst the lay population. In Lancashire, Worsley

[1] On the other hand, he disposed of his own Tower garrison of regulars.

[2] Worsley to Thurloe, Nov. 9, 13, Jan. 23, April 29, *Thurloe*, iv. 179, 189, 473, 746; Whalley to Thurloe, Nov. 17, Dec. 1, *ib.* iv. 211, 472; Desborough to the Protector, Jan. 4; Desborough to Thurloe, Jan. 4, *ib.* iv. 391.

[3] *A Narrative of the Proceedings . . . in the Case of Walter Bushnell*, E, 1837. This was the only case that Walker found to suit his purpose amongst the ejections under the Major-Generals, so that it may be gathered that most, if not all, of the remainder dealt with mere scandalous living. There was a reply to Bushnell's *Narrative* in *An Answer of Humphrey Chambers*, E, 187, 4. Chambers, however, only replies to so much of Bushnell's book as personally affected his own character, but what he says leaves the impression that Bushnell's statements were often very inaccurate.

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had much to say against the practice of holding markets on Saturday or Monday, as occasioning 'the Lord's Day to be much violated.'[1] In other matters different Major-Generals did not always see with the same eye. Whalley showed unusual liberality in giving permission to the Earl of Exeter to run horses for a cup at Lincoln, on the ground that the intention of His Highness was not 'to abridge gentlemen of that sport, but to prevent the great confluences of irreconcilable enemies'; though Worsley had already absolutely prohibited such races in Cheshire.[2] The Bear Garden at Bankside had long been an object of Puritan dislike, and orders had been given for its suppression by the Long Parliament in 1642, and by the Council of the Provisional Dictatorship in 1653.[3] Powerful as had been the Governments which had launched these decrees, their prohibitions still remained without effect. It is possible, indeed, that an incident occurring in the autumn of 1655 may have influenced public opinion in another direction. Not only was a child inadvertently locked in among the bears by the keeper and incontinently devoured, but the bearwards, after offering to console the mother with half the profits of the next baiting, put her off with 3*l.* out of 60*l.* which had come in on that occasion.[4] However this may have been, the appointment of the Major-Generals was the doom of the bears. By Barkstead's order Pride took with him a company of soldiers; after

Regulation of markets.

Horse-races.

Bear-baitings.

Pride kills the bears.

[1] Worsley to Thurloe, Dec. 3, *Thurloe*, iv. 277–78.

[2] Worsley to Thurloe, Dec. 4; Whalley to the Protector, March 12, *ib.* iv. 315, 607.

[3] *Great Civil War*, i. 75; *Commonwealth and Protectorate*, ii. 234.

[4] *Perfect Proceedings*, E, 854, 2.

slaying the bears with his own hand, he employed his men to wring the necks of the game-cocks in other parts of the town.[1]

It soon became evident that there was much to be done before vice could be defeated and virtue triumph. "One great evil I find here, which I know not how to remedy," reported Berry from Brecon, "and that is the want of able preachers. Certainly, if some course be not taken these people will some of them become heathens."[2] From Carmarthen he wrote somewhat more cheerfully: "I had a very good appearance of the gentlemen in these parts, and they act very cordially; and I am persuaded that not only the tax, but something of reformation, will be carried on in poor Wales, whom I seriously profess my heart pities and loves. They are a poor people and have suffered much." At Winchester, reported Goffe, 'the justices do all seem desirous to endeavour after the reformation of open profanes.'

Imprisonment of idle, debauched and profane persons.

It was, however, easier to inflict punishment on 'profanes' than to reform them. The order for the imprisonment of Cavaliers with no visible means of support suggested the idea of ridding the country of all—whether Cavaliers or not—whose lives made them burdensome to the neighbourhood. "The commissioners," wrote Worsley from Cheshire, "some of them this day expressed that they could find near sixty gentlemen in this county—many of them younger sons—that were fit to be sent out of this Commonwealth; which done would much tend to the security thereof and terrify others."[3] To purge the

[1] *Clarke Papers*, iii. 64; Letter of Feb. 28 in Carte's *Original Letters*, ii. 82.

[2] Berry to Thurloe, Jan. 12, Feb. 28, March 6, *Thurloe*, iv. 413, 565, 582.

[3] Worsley to Thurloe, Feb. 23, *Thurloe*, iv. 534.

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wheat from the chaff by the banishment of evil-doers was the fixed idea of the Major-Generals and the commissioners. Though the prisons were filled to overflowing, it was difficult to keep abreast of the tide of roguery. "This," boasted Whalley, "I may truly say, you may ride over all Nottinghamshire, and not see a beggar or a wandering rogue." "I hope," he was in conscience compelled to add, "suddenly [1] to have it so in all the counties under my charge, if it be not already; but I much fear it." Part of the blame, at least, he put on the shoulders of the Government. "When I was last in London," he had written a fortnight earlier, "I told you the not taking rogues, such as our instructions ordered to be sent beyond the seas, off our hands, makes us neglect the imprisoning of them; a better work for the safety and satisfying the country cannot be. I wonder it should be so much neglected. . . . Sir, I beseech you, let it not be forgotten, but consider how the gaols may be delivered for the ease and safety of the countries." Three months later he repeats the same demand: "Horse-stealers, robbers, and other condemned rogues lie in the gaols. To continue them there is a charge to the country; to give them liberty there is to make more; and your this long forbearing them without sending them beyond the seas, I fear hath increased their number, to the dissatisfaction of the country. When you expect great things from them,[2] you shall do well to gratify them with as many small things as you can. The clearing of gaols and countries of rogues would be very pleasing to them." [3]

[1] *I.e.* 'soon.' [2] *I.e.* 'from the people of the country.'

[3] Whalley to Thurloe, April 21, April 9, July 14, *Thurloe*, iv. 718, 686, v. 211.

Butler wrote from Oundle in much the same strain: "The other humble motion is that you would please to help me to a vent for those idle vile rogues that I have secured for the present . . . being not able to provide security for their peaceable demeanour, nor fit to live on this side some or other of our plantations. I could help you to two or three hundred at twenty-four hours' warning, and the countries would think themselves well rid of them."[1]

A list of persons committed by Butler.

If, indeed, the two or three hundred at all resembled the sixteen whose names were set down on a list sent up by the same Major-General, it would be easy to agree with him that the country would be the better for their absence; though, on the other hand, it can hardly be doubted that the advantage would be more than counterbalanced by the evil consequences of the introduction of a system of administrative punishment to the exclusion of all judicial or legal procedure. Of the sixteen persons named, the first three had no employment or profession, were 'very drunken fellows and quarrelsome, and are all single men, fit for the service beyond the seas'; the fourth 'hath a wife in London, hath wandered up and down this twelvemonth, pretending himself to be a farrier, hath gone a wooing to two maids in this country, and got monies of them to the value of 10*l.* upon promise of marriage, and hath been formerly in the King's army.' The next three and the twelfth were of the same quality as the first three; the eighth and ninth were 'suspected to live only upon the highway, keeping each a good horse and pistols and having no estate at all, nor following any calling'; the tenth had 'brewed these nineteen years without a license, . . . kept a lewd house, and is suspected for the highway, at least to harbour

[1] Butler to Thurloe, April 14, *Thurloe*, iv. 696.

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highwaymen'; the eleventh was 'a mad ranting blade who had paid 6*d.* for swearing, and had run two countrymen through the arms without provocation'; the thirteenth was strongly suspected to be a highwayman, and had 'in a few years made away with a good estate, abused his wife by words and blows to her utter distraction,' having also in his business as a bailiff committed 'the greatest abuses imaginable, forging writs and frightening men, and forcing them, where no debt is, to confess judgments'; the fourteenth was 'a pitiful drunken wretch, every way as profane as the devil can make him'—was believed to have no estate and to live 'upon the snatch altogether, and being a profane jester to some gentlemen of the country.' Of the fifteenth, a certain Goddard Pemberton, Butler professes it to be unnecessary to say anything, as 'he is so notorious.' Of the last, Paine Clarke, he avers that 'he is almost as scandalous in point of filthiness as the other, and hath spoken most scandalous words of the Protector, as hath been proved before me.'[1]

Yet, in spite of the urgency of the Major-Generals, the Protector and Council were slow to move in this matter. It was not till July 22 that an order was given to hand over persons reprieved or discharged at the last assizes to the Major-General of the district for transportation or banishment, and that, too, only in the single county of Surrey;[2] whilst it was not till August 14 that the Major-Generals in all districts were directed to send in lists of such dangerous persons, rogues and vagabonds as they had appre-

[1] A list of the names of several persons committed to the gaol by Major-General Butler within his association, *Thurloe*, iv. 632. They were in gaol at Northampton, Huntingdon, Oakham, and Bedford, thus coming from four counties.

[2] Council Order Book, *Interr.* I, 77, p. 270.

hended or might apprehend at any future time, with a view of their being conveyed to some seaport and conveyed beyond the sea.[1] As the earliest of these dates was subsequent to the announcement that a Parliament was to meet, it looks as if Whalley and Butler were in the right in holding that the transportation of these vagabonds would be a means of securing popularity.

Enforcement of the law against inclosures.

In other directions, Whalley, at least, hesitated to step outside his legal powers. He was, indeed, able to enforce the law against inclosures, which ordered that two parts of three of arable land should be kept under tillage; but he restricted himself to forwarding to the Government a suggestion that a proclamation might be issued commanding the officials in market-towns to open their markets at ten or eleven in the morning instead of at one in the afternoon—a delay which told against the countryman, who, especially in the short winter days, was forced to sell his corn at low rates if he was to sell it at all before darkness supervened. The tricks of innkeepers were for the same reason hard to reach. Some of them sold oats at Stamford at six pecks the strike instead of five, and that, too, at what was regarded as the insufferable price of 8*d.* the peck.[2] The more practical difficulty, that the law which condemned the offence of using false weights and measures had allowed no reward to the informer, stood in the way of the infliction of punishment on the offender.

Grievances about markets,

and innkeepers,

and weights and measures.

The repression of drunkenness and immorality.

Whalley's disinclination to carry out reforms on which his heart was set indicates plainly his reluctance, and no less the reluctance of the Government, to

[1] Lawrence to the Major-Generals, *Interr.* I, 77, p. 330.

[2] Whalley to Thurloe, April 9, *Thurloe*, iv. 686.

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usurp the functions of the local magistrates, except in cases of absolute political necessity. There could be no doubt that laws against drunkenness, swearing and immorality existed in plenty. But their execution fell within the attributes of the justices of the peace. It was the attempt to override their jurisdiction which had provoked the storm which had swept away Mitchell and Mompesson in 1621, and, though Oliver had committed these matters to the Major-Generals, he was too wise to persist in a course which would have alienated the gentry—not too numerous—of his own party by attempting to act without them. Justices of the peace left to themselves had, indeed, been sluggish, and unwilling to bring down on themselves the hatred of their neighbours. When the Major-General of their district became a justice of the peace himself, and took part in their resolutions with all the authority of the Protector, by whose favour alone they retained their position and dignity, they might be expected to move in accordance with the wishes of the Government.

Worsley's activity.

So far as our information reaches, this latter method proved effective. Worsley had scarcely reached the scene of his labours when he reported himself as urging mayors and aldermen to execute the 'laws against drunkenness, swearing, profaning the Lord's Day, and other wickednesses.'[1] On January 4 he ordered an inquiry to be made not only into the doings of Royalists, but also into the number and condition of alehouses, and the persons guilty of drunkenness and other sins.[2] On the 24th he reported that after a meeting between himself, the

[1] Worsley to Thurloe, Nov. 12, *Thurloe*, iv. 187.

[2] Declaration by Major-General Worsley, Jan. 4, *Merc. Pol.*, E, 01. 19.

commissioners, and the justices of the peace for the hundred of Blackburn, in Lancashire, it had been resolved to suppress no less than two hundred alehouses in that hundred alone. Worsley, indeed, wished that these stringent measures could be taken without diminishing the revenue from the Excise, but no one could be more firmly convinced of the righteousness of the deed. The alehouses, he wrote, were 'the very bane of the county,' bringing forth 'all manner of wickedness.'[1] A fortnight later he proceeded to Chester, where near upon two hundred alehouses were shut up, either because they were kept by Royalists or persons too well off to need the profit, or as standing in dark corners, or as being of bad repute. "These," wrote the commissioners, "were the places of receipt of wickedness, drunkenness, sabbath-breaking, and other impieties." Nor did these energetic reformers stop here. "We . . . have also," they reported, "suppressed the excessive number of malsters, and restrained them and the beer-brewers from selling malt or beer to any suppressed or unlicensed alehouse-keeper, other than for his own private use; and have also inflicted deserved punishment upon several persons unduly and pretendedly married, contrary to the law, and the persons that married them;[2] as also upon several persons which, by a strict enquiry, were found to be loose and idle persons that live without calling, and upon common tiplers, drunkards, and Sabbath-breakers, and others; and we are resolved—with our said Major-General—unanimously

[1] Worsley to Thurloe, Jan. 24, *Thurloe*, iv. 449.

[2] This would mean persons married not by a justice of the peace, as the law directed, but by a minister of religion, presumably an Episcopalian clergyman.

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to make it our business, not only to take care of the performance of what is already ordered, but also to use our utmost endeavours . . . to punish offenders, discourage such as are loose and idle, and to free ourselves of discontented spirits that bear ill-will to the so dearly purchased peace."[1]

Whalley and Berry.

The course taken by Whalley was very similar. In Warwickshire, for instance, the justices decreed that one-third of the alehouses, and also the whole of those 'in by-corners,' should be put down.[2] At Shrewsbury the justices, amongst whom Berry was reckoned, forbade anyone to keep an inn or alehouse who was not of honest conversation or well-affected to the present Government. Nor was anyone to receive a license for the sale of ale or beer who could not entertain at least two soldiers or travellers with their horses; while all licenses to houses standing alone and out of the town were to be suppressed. A list of licensed houses was to be publicly read at the Shropshire quarter sessions, in order that those who heard it might be ready to inform against unlicensed houses. The preamble of this order shows how inextricably the desire to safeguard the Government was entwined with the desire to safeguard morality. "The justices of the peace of this county," it begins, "being very sensible of the great mischiefs and inconveniences which do daily happen to this Commonwealth by the multitude of inns

[1] Worsley to Thurloe, Feb. 9; the Commissioners for Cheshire to Thurloe, Feb. 9, *Thurloe*, iv. 322, 323. There is no mention in either of these letters of justices of the peace, but the latter bears only six signatures, the first being that of the Mayor of Chester. The number shows that all the commissioners for the county cannot have signed, and the reference at the end to His Highness's encouragement to 'what else our city shall stand in need of' seems to imply that they belonged to the corporation, and probably included amongst themselves the justices of the city.

[2] *Merc. Pol.*, E, 492,

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and alehouses, especially where those that keep them are persons of lewd life and conversation, and considering that the end of the law in licensing inns was not to set up houses to tipple in but to make provision for entertainment of strangers and travellers, where officers and soldiers of the army are by the discipline of the war also ordered to quarter, and nowhere else;—and finding by sad experience that, where persons of dissolute life and disaffected to the Government are licensed to sell ale or beer, those houses are the cages of all uncleanness and wickedness, and that in them the late secret plots and conspiracies against His Highness and this Commonwealth have been promoted and carried on, do jointly agree and resolve to put the laws that concern the regulating of inns and alehouses, and correcting the evils therein committed, in effectual execution, whereby they may discharge the trust reposed in them, be faithful to their country, and deliver their own souls from the guilt of those many abominations that are daily committed in such places."[1] If such orders as these were observed, wrote Berry exultingly to Thurloe, 'I am persuaded it would suppress one half of the deboistness and profane practices of this nation.'

The Middlesex Justices at work.

In February the Middlesex Justices in quarter sessions issued an order even more drastic than that which had delighted Berry. All alehouse-keepers were to be suppressed who might be convicted 'for the profanation of the Lord's Day by receiving into' the 'house any company, or for swearing, drunkenness, suffering disorderly tippling, gaming or playing games of skill or chance, or of permitting anyone who might be in

[1] Order of the Justices for Shropshire, *The Public Intelligencer*, E, 491, 16.

[2] Berry to Thurloe, Jan. 12, *Thurloe*, iv. 413.

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the house on Sunday morning to leave it before Monday, except with the object of repairing to divine worship, without the approbation of a justice of the peace.'[1] A few weeks later the soldiers took possession in London of a considerable number of horses taken out by their grooms for exercise on Sunday, and their masters were only allowed to recover them on Monday morning by paying a fine of 10*s.* for each.[2] Harsh as these proceedings were, they at least emanated from the authorities known to the law, and in no single particular did they deviate from the line traced out by two ordinances of the Long Parliament.[3] The same may be said, so far as the observance of ordinances is concerned, of the suppression of bear-baiting and other popular amusements.

March 16. Seizure of horses.

The Opposition strengthened.

The fact was that Puritan legislation had hitherto been very imperfectly carried out. Its thoroughgoing enforcement under the impulsion of the Major-Generals must have contributed, far more than such of their actions as overstepped the legal pale, to spread the notion that Puritanism in authority was no better than a canting hypocrisy. The Royalist Opposition, it can hardly be doubted, was reinforced not merely by the roysterers and drunkards, but by that widespread class of good fellows who care more for the ease and enjoyment of life than for its stricter duties, who form a vast and inert mass when spirited action is called for, but who offer a stubborn resistance to a Government which calls on them for a forward step towards a purer and a nobler life. The

[1] Order of Quarter Sessions, Feb. 19, *The Public Intelligencer*, E, 492, 11. See also the form of recognisances drawn up in June by the Westminster Justices, *Merc. Pol.*, E, 494, 4.

[2] Letter from London, March 21, Carte's *Original Letters*, ii. 93.

[3] Passed respectively on April 6, 1644, and April 19, 1650, *Scobell*, i. 68, ii. 119.

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strong measures of the Protectorate were too far in advance of the average morality of the age to be otherwise than generally offensive. In strict theory, no doubt, the Englishman's alehouse was closed and his Sunday liberty curtailed by constitutional justices of the peace, but he knew perfectly well that if there had been no Major-Generals the justices of the peace would not have been roused from their habitual inertness. It was, therefore, only to be expected that the wrath of the aggrieved tippler would flare up, not against the magistrates under whose direct authority he suffered, but against the Major-General who inspired them, and still more fiercely against the Major-General's master.

Streams of opposition have a tendency to combine in one channel, and the dislike of interference with formed habits of life could not but add weight to the demand for a restoration of some sort of Parliamentary authority whereby Englishmen might secure themselves against the forcible interruption of those habits. Strangely enough, the outcry for Parliamentary government was re-echoed by the extreme Baptists, whose only ostensible difference with the Protectorate arose from its recognition of an endowed Church. To make known the sentiments of these men Vavasor Powell, who in the autumn of 1655 was diligently preaching in North Wales, drew up a petition to the Protector to which he obtained the signatures of 323 of his followers. It was less a petition than a hostile manifesto accusing Oliver of having deserted the blessed cause supported by the old Parliament—the cause of true religion. The Protector, it was urged, had ceased to take thought for 'the advancement of Christ's kingdom, the extirpation of Popery, the privileges of Parliament, and the liberty of the subject.' According

Opposition of the extreme Baptists.

1655, Nov.? Vavasor Powell's petition.

A political manifesto.

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to Powell, by the terms of the Instrument he had engaged to draw the sword against those who conscientiously objected to the establishment of a tithe-receiving minister in each parish. Yet he was now raising taxes, not only without the consent of the people, but in defiance of the very Instrument on which his power was based. Oliver was next charged with exalting his sons, his favourites, and his servants, though some of these were wicked men. Moreover, soldiers were maintained in pomp and luxury, whilst the poor were impoverished by taxation, and treasure wasted in the late secret design in the Indies, whereby the Commonwealth had been thrown open to invasion and rendered 'a scorn and snuff' to the nations round about.'[1] The conclusion was still more trenchant. "We," the subscribers testified, "disclaim all adherence to, owning of, or joining with these men in their ways; and do withdraw and desire all the Lord's people to withdraw from these men, as those who are guilty of the sins of the latter days, and that have left following the Lord,—and that God's people should avoid their sin, lest they partake with them in their plagues."[2]

Nov. 28. Powell brought before Berry.

Such a declaration was incoherent enough, but was none the less acceptable to an easily excited people, and Powell was accordingly arrested and brought before Berry at Worcester. Berry, who joined to kindliness of heart a spice of humour, a quality for the most part lacking amongst the Cromwellian officers, was the very man to deal with an honest enthusiast. He listened with friendly atten-

[1] The same complaint appears in Feake's Preface to *The Prophets Isaiah and Malachi*. By this time the failure of the expedition was known in England.

[2] *A Word for God*, E, 861, 5.

tion to Powell's protestation that he had no thought of raising disturbances in the country, and that he intended nothing more than to work on the Protector's heart by the petition, without any other thought than to discharge his own conscience. Then, with sympathetic tact, the Major-General soothed the perfervid Welshman, allowing him to preach four sermons on one day in four several churches; after which he invited him to dinner, and sent him home in a calmer frame of mind, having simply bound him over to appear whenever he was summoned.[1]

Powell dismissed.

Dec. 3. His manifesto read in London

Powell's wish to maintain a peaceable attitude was no doubt sincere, but amongst his admirers there were some less discreet than himself. On December 3 the Welsh manifesto was in print, a copy of it having been conveyed to the Protector.[2] On the same day a certain Cornet Day read it at Allhallows, and was followed by Simpson, the Fifth Monarchy preacher, who stigmatised all who took part in the Government as thieves and robbers, and the Protector himself as a thief, tyrant, and usurper. Day was at once arrested and thrown into prison, whilst Simpson found means of concealment, from which he emerged from time to time to hurl bitter words against the occupants at Whitehall. After a while, however, he changed his tone, announced his belief that the expectation of the Fifth Monarchy was a delusion, and repudiated any desire to forward an insurrection against the Protectorate.[3] His motives in this sudden change of front have not been ascertained.

It is read by Cornet Day and amplified by Simpson.

Day's arrest. Simpson in hiding.

[1] Berry to Thurloe, Nov. 17, 21, *Thurloe*, iv. 211, 228.

[2] The date of publication (E, 861, 5) is given by Thomason.

[3] Thurloe to H. Cromwell, Dec. 17, 25, Jan. 1, Feb. 19, *Thurloe*, iv. 321, 343, 373, 545; Newsletter, Dec. 22, *Clarke Papers*, iii. 62, *Merc. Pol.*, E, 491, 7. The last-named speaks of Powell as in custody concerning the paper. He may have been re-arrested but, if so, as we

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Alarm at Whitehall.

At Whitehall the situation was regarded more seriously than might have been supposed, perhaps on the suspicion that Cornet Day had found sympathisers in the army. "It is certain," wrote Thurloe, "that the Fifth Monarchy men—or some of them, I mean —have designs of putting us in blood." The danger appeared the greater as pamphlets hostile to the Protectorate were being surreptitiously circulated through the country.[1] This knowledge of the existence of latent hostility amongst those who in the eyes of the Government ought to have been its close allies in the conflict it was waging against Royalism found expression in two remarkable pamphlets which appeared in defence of the policy of the Protectorate against the aspersions of the men who had bound themselves—as it were—to assail it in the rear.

1656 Jan. 23. Richardson's *Plain Dealing.*

The first of these, entitled *Plain Dealing*, was the work of Samuel Richardson, himself a Baptist, who, like Fleetwood, had given his support to the Protectorate. Arguing that the Government was not, as Powell had asserted, centred in a single person, but in a Protector and Council, he declared it to have been owned by God, and to have made itself notable by asserting 'the noble principle' of denying to 'the civil magistrate a coercive power in matters merely religious.' Such a benefit, continued Richardson, could be conferred by the Protectorate alone. "There is no ground," he urged, "to believe that the people of this nation would ever have given us this freedom, or that any Parliament chosen by them

hear no more of him in this connection, he was probably released soon afterwards.

[1] *Merc. Pol.*, E. 491, 7; Thurloe to H. Cromwell, Feb. 5, *Thurloe* iv. 505.

would ever give us this freedom, seeing the ministers and magistrates cannot see that the bond between magistrate and people is essentially civil." [1]

Jan. 28. *Animadversions on a Letter.*

Richardson's idea was developed at greater length and with more force in a direct answer to Powell's manifesto, attributed to William Sedgwick of Ely.[2] The writer, whoever he was, saw clearly that, for the time at least, the Protectorate rested on the army. "Now," he wrote, "the General of these forces hath an unlimited power to enlarge his militia, to take in all honest men if he please, and to give them what pay he judges reasonable, and, in order to it, to raise what money he pleases in the three nations; to restrain and secure what persons he suspects to be disturbers of his army and command, to inflict what punishment he pleases upon his enemies, to make what constitutions he will for the security of these forces, and to repeal all laws that are against their safety and quiet; these things are natural and essential to a General in and with his army, which will be accounted absurd for either King or Protector of England to do. So royal and absolute authority in the hands of an honest General entrusted for and in fellowship with the whole party in a capacity distinct from the nation's is a thing worth remembering." Evidently the writer's model is pure Cæsarism, but it is Cæsarism directed not against a corrupt oligarchy, but against popular folly and presumption. The army, at all events, is to be the basis of the State. "Were it not," proceeds this author, "for the strength, honour, and success of the

[1] *Plain Dealing*, E, 865, 3.

[2] The attribution rests on Wood's assertion (*Athenæ*, iii. 894). There are passages which would be appropriate to Sedgwick. The main difficulty lies in the strength of the argument, for which none of Sedgwick's other writings prepare us.

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army, that which we call Parliament, Government and Commonwealth would have been made conspiracy[1] and rebellion." Then, turning on Powell—and his arguments strike the Levellers as directly as they strike Powell—he argues that it is mere folly to look to any Parliament, however chosen, to take thought for the interest of the Commonwealth. If, on the one hand, it is elected only by honest men, it will represent so many hostile opinions that the result will be mere distraction. A free Parliament, on the other hand, would be destructive of all the aims which men like Powell had set before them, the majority of the nation being 'either malignant and opposing Reformation, or lately offended at it, or neutral and sottishly mindless of anything but their profit.'[2]

The dangers attending military despotism had no terrors for this champion of the Protectorate. "'Tis a thing," he continues, "that the Protector hath seemed a long time to design and that good people have talked of,—that honest men should only have place and power; and yet now we have it we either mind it not or know not which way to settle it: I do heartily wish that we understood what a prize we have in our hand, and had light and judgment either to keep it justly or resign it wisely."[3]

Drift of the argument.

To the historian, at least, no utterance has such a value as that proceeding from the mouths of those who, like children blurting out things which their parents would fain conceal, display before the eyes of all men that hard skeleton of fact which the actors round

[1] Misprinted 'confederacy.'

[2] The three classes are the Cavaliers, the Presbyterian Royalists, and those who stand outside party altogether.

[3] *Animadversions upon a Letter and Paper*, &c., E, 865, 5.

into softness by covering it with the fair flesh of ideal hopes. The existing Government was but a Puritan oligarchy—and that, too, counted hostile by large numbers, perhaps by a majority, of Puritans—resting on the pikes and guns of an armed force. With this state of things Sedgwick—if Sedgwick was indeed the author of the pamphlet—was well content. It is to Oliver's credit that he knew better than his outspoken defender, and that he strove, though always in vain, to rest the Government on a civil basis, hoping that the time would arrive, and that speedily, when, as he expressed himself to [illegible] Nominated Parliament, all the Lord's people would [illegible] prophets —or, in other words, when all Puritan men would come to accept his policy, as alone capable of maintaining their cause. No wonder Thurloe, in forwarding this perplexing pamphlet to Henry Cromwell, shook his head dubiously over its arguments, as being 'of a very strange and extraordinary nature.' "It is hard," he complained, "to judge whether they be for us or against us. This book stole out into the world, and now it is abroad I know not whether it be fit or convenient to stifle it."[1] It was soon, however, rumoured that the Protector had read it more than once, and the circulation of this rumour was attributed, probably without foundation, to Oliver himself.[2] It is more likely that it arose among those who wished him ill.

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Thurloe's perplexity.

However this may have been, the mere inability to have recourse to Parliament for the purpose of legitimatising measures required by the circumstances of the hour had led the Protector into unexpected

Oliver's Government compared with that of Charles I.

[1] Thurloe to Henry Cromwell, Feb. 5, *Thurloe*, iv. 505.

[2] Schlezer to ——? *Actenstücke und Urkunden zur Geschichte des Kurfürsten Friedrich Wilhelm*, vii. 738.

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results. Starting, whilst the Parliament of 1654 was still in session, from the sound principle that the country must not be left to the irresponsible vagaries of a single House, he had attempted, after the dissolution of that Parliament, to rule England by the help of his Council alone, for the most part in accordance with the fixed Constitution set forth in the Instrument; just as Charles I., after the dissolution of 1629, had attempted to rule England, in accordance with the practice of former sovereigns in times when Parliament was not in session. Like Charles I. he had been baffled by the fact that emergencies arising from time to time require to be dealt with either with the assistance of fresh legislation, or, if that is not to be had, with the tacit support of the nation itself. Neither of these conditions being present, Charles I. in 1629, having the judges on his side, was driven to have recourse to external legality, thus setting at naught the spirit of the law whilst preserving his loyalty to its literal meaning. Oliver, a stronger and more daring character, broke through the meshes of the law, whilst preserving his loyalty to the spirit, if not always to the letter, of the new Constitution. Unfortunately for him, that Constitution had never been ratified by the expressed or tacit approbation of the country. It had, moreover, been launched with the expectation that it would be put in action as a whole, and was based on the belief that a way had been discovered in which Protector and Parliament might healthily react on one another, to the advantage of the whole nation. With Parliament silenced, each action of the executive, even when fulfilling no more than its constitutional functions, took an unexpected shape. Having no thought of rendering account for his actions, the Protector grew more and

more careless whether they were in accordance with the law; suiting them to his own sense of what was just and fitting, and thinking less and less of the impression created in the minds of the multitude outside his own sphere of influence.

Oliver's danger.

That Oliver should elect to accompany the author of *Animadversions on a Letter*, at least part of the way, was the more probable as, in a less crude form, the advice given him was that he had already chosen. Yet, whilst the pamphleteer had been satisfied to acclaim the existing state of things as satisfactory in itself, Oliver could not but look further in advance. Some day or other, in accordance with his views, all the Lord's people must be prophets. It was because this was not so—at least in the sense in which he understood the phrase—that his efforts were doomed to failure. He was not wrong in holding that the Government must be in the hands of a minority—every Government, as a matter of fact, is in the hands of a minority—but in holding that the governing minority can defy the habits and beliefs of the majority for longer than the undefinable length of time which enables it—if that prove possible—to draw over the majority to its side. It was because the Protectorate undertook too much that it dug deep the pit into which it was to fall. Royalism was not in itself a danger, still less was an ecclesiastical reaction. The enemies of the Protectorate were many, and the day might come when they might find a rallying-point in the Crown and the Prayer Book; but in 1656 that day had not yet arrived.

CHAPTER XLIII.

THE PROTECTORATE AND THE CORPORATIONS.

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Jan. The principles of the Government.

Town and country.

WITH whatever limitations it may have been restricted, the principle laid down in the replies to Powell's manifesto—that Government must be controlled not by the nation at large, but by a sober and trustworthy minority, was the basis, for the time being, of Oliver's constitutional views. So far as the country districts were concerned, the right to appoint and dismiss the justices of the peace had placed local government in the hands of the Protector, whilst the curtailment of the franchise had gone at least some way to secure him a hold over Parliament. It was otherwise with the towns, the homes of self-government, where the magistrates were named without any reference to Protector or Council. It would, indeed, be absurd, except in a very few instances, to speak of the town corporations as in any sense popular bodies. Though the rule prevailing in the various municipalities was far from uniform, citizenship was for the most part confined to the free burgesses, who owed their position to apprenticeship, to descent from former burgesses, or to marriage with the daughter of a burgess. Authority, however, was invariably in the hands of a smaller governing body, for the most part known as the common council, and of certain executive officials, usually styled the mayor and aldermen, a certain number of whom acted within

The corporations.

the borough as justices of the peace. The relations between these governing bodies or corporations and the free burgesses varied in different towns, and is to be regarded as the resultant of a long struggle carried on in past centuries between the general body of freemen and the smaller body entrusted with the conduct of affairs.

Relations between the corporations and the Government.

Whatever might be the exact constitution of each corporation, its characteristic feature was that the choice of its members[1] did not emanate from the central Government. The existence of a civil war, however, had unavoidably led to some interference, and the Long Parliament had—notably in the case of London—laid down restrictive rules for the conduct of municipal elections. A sweeping measure, passed as an Act on October 8, 1652, excluded from office, and also from the right of voting in municipal or parliamentary elections, not only all delinquents whose estates had been sequestered or their persons imprisoned, as adherents of the Royalist cause in the first Civil War, but also those who had adhered to that cause in the second war.[2] This Act, however, was to expire on September 28, 1655, and it was, therefore, only by stretching his constitutional powers beyond the bounds of strict legality that on September 21—the day on which the commissions of the Major-Generals were made out—the Protector issued a proclamation directing that this Act should continue in force. In so doing he defended himself on the ground that the Commonwealth had been endangered by 'the late horrid treason and rebellion,' carried on by a party which had made it its object 'to involve

1652 Oct. 8. Act regulating elections

1655 Sept. 21. enforced by proclamation.

[1] Except that when a new charter was granted the first members of the corporation were usually named in it.

[2] *Act of Parliament*, B.M. press-mark, 506, d. 9. No. 146.

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these nations in blood and confusion,' and which had openly professed its end to be 'to set up that power and interest which Almighty God hath so eminently appeared against.' So far the proclamation, like the Act on which it was based, was directed against Royalists alone; but a clause ordering that 'all magistrates, officers and ministers of justice elected and chosen within the several places of this Commonwealth shall be such as are of pious and good conversation, and well qualified with discretion, fitness, and ability to discharge the trust committed to them,' left the door open to the exclusion of some who had never taken part in a Royalist movement.[1]

Complaints of the Major-Generals.

At the time when this proclamation was issued the Major-Generals were intended to act against Royalists alone, the instructions to them to support moral order being of a later date.[2] Yet when, two or three months later, the Major-Generals reported on the conduct of magistrates in the towns, they complained less of their Royalism than of their slackness in the suppression of vice. The first note was struck by Whalley. "It hath been a general complaint to me," he wrote, "in Lincoln and Coventry especially, that wicked magistrates, by reason of their numbers, overpower the godly magistrates. They[3] no sooner suppress alehouses but they are set up again. They comfort themselves at present, as they tell me, with the hopes of my assistance, which they should presently have, were I in commission of peace in their corporations. However, they imagine I am. I shall at present declare to them what His Highness expects from them—that, as they are called to be magistrates, so they should answer the end of their

Dec. 1. Whalley at Lincoln and Coventry.

[1] The proclamation is printed in the *Hist. Rev.* (Oct. 1900) p. 655, note 58. [2] See *supra*, p. 180. [3] *I.e.* the godly magistrates.

1655

magistracy, viz., suppress sin and wickedness, and encourage godliness. I shall give them in charge to put down as many alehouses as shall be judged necessary."[1] At Coventry Whalley's special attention had been drawn to Alderman Chambers, one of the justices of the peace, who was charged by the city constables with encouraging a man whom he had been obliged to convict of swearing to bring an action against the informer. He was also charged with abating the penalties required by law, and with threatening the constables for attempting to recover fines which he had himself imposed on the bench. It was also said that, under his protection, at least fifty unlicensed alehouses drove a traffic in the city.[2] Such conduct, if it could be proved, would be severely dealt with under any Government. Convented before the mayor and four or five aldermen, in accordance with the regulations in the city charter, though in the presence of the Major-General, Chambers was not only deprived of his office as alderman, but was removed from the common council, and declared incapable of holding any municipal office for the future. "This," reported Whalley, "hath struck the worser sort with fear and amazement, but exceedingly rejoices the hearts of the godly. Many have been with me, and bless God for His Highness's care of them, it being a mercy beyond what they expected."[3]

Alderman Chambers at Coventry,

deprived of office.

1656 Jan. Resignation of aldermen and councillors at Bristol.

In other places recourse was had to the method which had proved successful at Coventry. "I . . . shall take the boldness at present," wrote Desborough, "to acquaint your Highness that at Bristol intimation was given me by some honest people that sundry of

[1] Whalley to Thurloe, Dec. 1, *Thurloe*, iv. 272.

[2] Petition of certain constables of Coventry, *ib.* iv. 273.

[3] Whalley to Thurloe, Dec. 5, *ib.* iv. 284.

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the aldermen and justices were enemies to the public interest, retaining their old malignant principles, discountenancing the godly and upholding the loose and profane, which indeed is a disease predominating in most corporations. Now I adjudged it my duty to declare against such wheresoever I find them, but resolved to do it with as little noise as I could; and in order thereunto I made my repair to Mr. Mayor, and acquainted him that such of his brethren, I understood, were so and so; and desired him from me to advise them tacitly to resign, otherwise I should be necessitated to make them public examples. Whereupon Mr. Mayor engaged to deal faithfully with them, and, as I understand, they have taken my advice, which will make way for honester men."[1] It is impossible to come to any definite conclusion as to the political opinions of the three aldermen who resigned under compulsion, Knight, Locke, and Sherman. They may be taken as having been Puritan Parliamentarians in October 1645, when the corporation was purged by ordinance after the capture of the city by Fairfax, as they were then allowed to retain their official positions. On the other hand, two of them—the third, Knight, died before the Restoration—were replaced in their seats when Charles II. was established on the throne.[2] The most probable conclusion from Desborough's language is that they had shrunk from associating themselves with the sanctimonious morality of their colleagues, who fined young men for walking in the fields on Sunday, and even ordered that the conduits which supplied water to the houses should stop running on the sacred day.[3]

[1] Desborough to the Protector, Jan. 7, *Thurloe*, iv. 396.

[2] Information derived from the municipal records, furnished me by Mr. John Latimer.

[3] Garrard's *Edward Colston*, 171–75.

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Bristol was a city in which the Royalist spirit which had welcomed Rupert in 1643 was still widely prevalent—as indeed might be expected—and had even gained strength as a recoil from the Sabbatarian action of the magistrates. In December 1654 there had been fierce riots, directed against the 'Quakers,' which the aldermen were unable, and perhaps unwilling, to control, though shouts for King Charles had been raised by prominent sharers in the disturbance.[1] Whether the three aldermen were led into Royalism by their dissatisfaction with the extreme pursuit of morality at the expense of others, or were thought by Desborough to be Royalists because they did not rise to the official standard of morality, is of little moment. The significant point is that not being Royalists before, they took the part of the King at the Restoration, passing through a period in which they held aloof from the moral coercion which was carried out under the shield of the Major-Generals. What took place at Bristol is likely to have taken place elsewhere.

Dismissals at Tewkesbury and Gloucester.

As Desborough had intimated in his letter to the Protector concerning Bristol, he was prepared to proceed by direct executive action wherever appearances could not be saved by a seemingly voluntary resignation. "There were also," he continued in the same letter, "articles of delinquency proved against nine of the magistrates of Tewkesbury, and particularly against Hill, their town clerk. I have also dismissed them, and four of the common council of

[1] *The Cry of Blood*, E, 884, 3. Nothing in their relation with the 'Quaker' troubles throws any light on the position of the three aldermen as bringing down Desborough's displeasure on their heads. Sherman's name does not appear. Knight and Locke were strongly against the 'Quakers'; but so were many others, against whom Desborough had no charge to bring.

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Gloucester, for adhering to the Scots King's interest." [1] According to the authorities at Whitehall, the legal basis for this action was the view that the Protector was justified in putting in force the expired law against the presence of Royalists in corporations.[2] It was on a hint from Thurloe that Butler allowed the Mayor of Bedford and four common councilmen to resign office rather than meet the charges brought against them.[3] Yet that there was some shrinking from putting in force the proclamation of September 21 appears from a letter written in July by Packer, Fleetwood's deputy in Hertfordshire, asking 'to know His Highness's pleasure,' whether he might not proceed in virtue of that proclamation to get rid of 'some very bad men in corporations' in the county who had 'been decimated and under bond, and' of 'others that are drunkards and profane swearers.'[4]

July 5. A demand from Herts.

Even when the interference of the Government was of a more sweeping character, care was taken to act—at least ostensibly—on the initiative of a party within the borough. On November 14 a petition from the burgesses of Chipping Wycombe, complaining that the mayor, the justices of the peace, and the majority of the common council had combined to exclude fit persons from the corporation, and to admit others who were unfit, was referred to Colonel Bridge for inquiry, together with another petition which charged them with fraudulent ill-treatment of the poor.[5] Bridge, before entering on the inquiry,

Nov. 14. Case of Chipping Wycombe.

[1] Desborough to the Protector, Jan. 7, *Thurloe*, iv. 396.

[2] See *supra*, p. 178.

[3] Butler to Thurloe, Feb. 16, March 20, *Thurloe*, iv. 540, 632. The new mayor, as appears by the Bedford Corporation records, was John Grew, a leading member of Bunyan's congregation.

[4] Packer to Thurloe, July 5, *ib.* v. 187.

[5] Petition. Council Order Book, *Interr.* I, 76, p. 378. *S. P. Dom.* cxviii. 482.

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obtained from the persons concerned an engagement to submit to his award. When that award appeared, it was found to contain not merely a detailed opinion on the charges of malfeasance, but also a recommendation that three aldermen, together with Bradshaw, the mayor, should be struck off the burgess-roll; and further, that the charter of the corporation should be surrendered for renewal, and eight new members added to the common council, to remain in it till the new charter had been granted. This award was, on Lambert's report, confirmed by the Council.[1] Ultimately a new charter was granted to the borough,[2] the provisions being doubtless in accordance with Bridge's suggestions. In these proceedings no allusion was made to political distractions, yet it is difficult to suppose that they were altogether absent. At all events, it is noticeable that the borough which, in 1654, had returned its recorder, Thomas Scot, one of the most determined enemies of the Protectorate, chose Bridge as its member in 1656. It may at least be affirmed with safety that a place which in the space of two years returned a regicide and a Cromwellian officer can have had no strong leaning towards the cause of the Stuarts.[3]

Jan. 31. Award by Bridge

Feb. 20. confirmed by the Council.

[1] Bridge's award, Jan. 31, *S.P. Dom.* cxxiv. 80. ii.

[2] The only evidence of the grant of the charter is a note over a page in the municipal records relating to a levy of money for the payment of expenses incurred in its procurement:—"This is to gain a charter from Oliver, in the Rumpers' time, which charter was burnt on the day our most gracious King Charles II. was crowned, whom I pray God to send long to reign." *Hist. MSS. Com. Rep.* v. 556.

[3] On Oct. 9, 1650, Parliament resolved that 'for the better settling of the peace of Wycombe, and the promoting of the Parliament's interest there, . . . Stephen Bate, a discreet, religious person, nominated by the well-affected of that town, be appointed mayor.' It was now proposed to restore Bate to his aldermanship, of which he had been deprived in favour of Bradshaw, who was now in turn expelled. Bradshaw was described by Lambert as 'an unquiet and disaffected spirit, . . . a very contentious person, . . . and the original cause of

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The case of Colchester.

Changes in the franchise.

1628 A resolution of the Commons.

1635 Charter of Charles I.

Whatever interest may be attached to the changes enforced at Chipping Wycombe is outweighed by the dealings of the Government with Colchester, partly because far more is known about them, but still more because political feeling had a more considerable share in the development of the case. During the greater part of the later Middle Ages the corporation had consisted of two bailiffs and a commonalty of the burgesses. By the time of Edward IV., however, we hear of an elected common council, which eventually claimed the right of returning members to Parliament, and was permitted to do so, at least from the accession of Mary to the third Parliament of Charles I. In 1628, however, a resolution of the House of Commons restored the franchise to the free burgesses;[1] and in 1635 Charles settled the question, as he hoped for ever, by granting a new charter to the town. By this charter the place was to be governed by a mayor, nine aldermen, sixteen assistants, and sixteen ordinary common councillors. Of these the mayor was to be elected annually by the free burgesses, whilst the remaining forty-one were to be chosen for life, aldermen by the aldermen, assistants by the assistants, common councillors by the common council, though in each case the choice was restricted to one of two persons nominated by the burgesses. The first members of the new corporation were, according to

the long and tedious suits in the said borough, . . . appearing always in opposition to the rights of the poor, the well-government of the said corporation, and, by stirring up factions and making parties, to the intent to carry on his own design, according to his own arbitrary will, contrary both to law and equity, and the charter and peace of the said corporation, to the great grief and sorrow of the sober and well-affected people thereof,' *S.P. Dom.* cxxiv. 80. Before the election of 1656 Bridge had been removed to the North to act as Major-General in succession to Worsley, so that there can have been no question of undue influence exercised by himself.

[1] Report to Parliament, March 22, 1659, *C. J.* vii. 617.

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usual practice, nominated in the charter by the King.[1] In consequence of the adoption of this em variations in the temper of the free burgesses indicated by the character and aims of the r, who was annually replaced, and not by those aldermen and other members of the corporation who retained their places till death or some anour ensured their removal.[2]

ordinary times such a system might have worked well, but it was hardly suited to the rapid changes of sentiment which arise in the midst of revolutionary excitement. In 1647 and 1648 the Presbyterian opposition due to the interference of the army in politics, if not even more to the increase of taxation which the mere existence of that army rendered necessary, raised its head even higher in Essex than in other parts of the country. A petition for a personal treaty with the King, presented to the House of Commons on May 4, 1648, is said to have received 30,000 signatures in the county, out of which 1,300 were contributed by Colchester alone.[3] There

1648 Reaction in Essex,

and in Colchester.

[1] 11 Pat. Charles I., Part 9, No. 3.

[2] This is remarked by Mr. Round in an article on Colchester and the Commonwealth in the *Hist. Rev.* (Oct. 1900), xv. The local knowledge of the writer has enabled him to throw light on some difficult points, and I have to a considerable extent modified my opinion in consequence. As there are still some few points on which our agreement is not complete, I shall have frequently to refer to this article. I shall for brevity's sake quote merely from the *Review* by volume and page.

[3] *C. J.* v. 551; *The Kingdom's Weekly Intelligencer*, E, 441, 19; Haynes to Fleetwood, Dec. 20, 1655, *Thurloe*, iv. 330. It would be convenient if we could find a shorter description of these men than Presbyterian Royalists, but I cannot bring myself to call them, as Mr. Round does, Loyalists, partly because it seems to imply that one can be loyal only to a king; but, still more, because there was in them no element of the personal devotion which we usually connect with loyalty. They wanted to use Charles for their own purposes, and were too dull to see that they could not do so. If the term 'Loyalist' is to be used at all, I would apply it to the old Cavaliers.

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can be no question that many of the townsmen who had stood for Parliament in the first Civil War welcomed the Royalist commanders in the second, a[nd] even took arms on their behalf in the defence o[f] besieged town.[1] The almost inevitable result was [that] when victory declared itself on the side of Parlia[ment] in 1648, those who had adhered to the Parliame[ntary] cause resolved that the town should not be le[ft] hands of men whom they regarded as traitors [to] cause. As they had a majority of the free burgesses on their side, they were able to carry their wishes into effect in accordance with their charter—at least on the probably ill-founded assumption that the misdemeanour or other reasonable cause which that charter allowed as a sufficient reason for ejection from offices tenable for life were terms applicable to men guilty of taking the King's part in the late war.[2]

Sept. 4. A municipal coup d'état.

On September 4—the day fixed for the election of the mayor, the justices of the peace, and other officials—the majority took advantage of the opportunity to get rid of the obnoxious life members of the corporation. Amidst the wildest excitement[3] three aldermen, four assistants, and six common councillors were expelled, and their places filled by others whose

[1] *Hist. Rev.* xv. 645.

[2] In an order by the new council, printed by Mr. Round (*ib.* xv. 646), the 'words of the Charter' are given as 'ill-behaviour or *scandalum magnatum*.' As a matter of fact the Charter allows expulsion 'pro malè se gerendo in officio suo . . . aut aliâ justâ et rationabili de causâ'—language loose enough to cover almost anything.

[3] "The tumultuous scene," writes Mr. Round, "that must have been witnessed on this occasion at the moot hall is reflected on the leaf of the assembly book that records its results. It was headed by the clerk 'fourth day of August, it being election day'; and although 'August' is erased, September has not been substituted. The list of the council, as it stood till then, was first set out by the town clerk, and then altered and cut about, as the Loyalist members were expelled and others elected in their places. Thus defaced it is unintelligible until we can compare the corporation lists before and after the purge." *Ib.* xv. 645.

principles were more in accordance with those of the victorious party. The number of new members was swollen to sixteen, as there were some death vacancies to be filled.[1]

Henry Barrington.

The mayor elected on the same occasion was Henry Barrington, the leader of the successful party. He was a wealthy townsman, who appears to have made his fortune as a brewer.[2] His selection as a member of the Nominated Parliament in 1653 gives a clue to his religious position; and the same result is obtained from the charge subsequently brought against him, that he had refused to pay over any part of the money subscribed in London for the sufferers by the siege, except to the 'poor of the separate congregations.'[3] His name, indeed, is marked in a contemporary list as one of those who were against ministry and magistracy;[4] but as he at once rallied to the Protectorate, he must have been a most unscrupulous turncoat, unless either the mark was inserted in error or, what is more probable, he was one of those who voted with the extreme party in the last division without entirely concurring with their views.[5]

[1] *Hist. Rev.* xv. 647.

[2] He is distinctly called a brewer in *Merc. Rusticus*, E, 103, 3, but as he was named mayor in the charter of 1635, which prohibited brewers from becoming members of the corporation, either the exclusion must have been mere verbiage or, as is more likely, he had by that time ceased to be actively employed in the trade. As other trades, not susceptible to Puritan objection, also disqualified from seats in the corporation, the probability is that the objection to those who exercised these trades was that if elected they would have to enforce rules for the regulation of a trade in which they themselves shared. In a grant of the mastership of a hospital in the suburbs made to him on Feb. 1, 1650, Barrington is described as esquire, which would hardly be the case if he carried on business as a brewer. See the *Patent Rolls* for that year.

[3] *Hist. Rev.* xv. 663.

[4] See Vol. ii. 259.

[5] That there were members of this kind appears from a passage in *An Exact Relation*. See Vol. ii. 277.

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1648

A reaction sets in.

At all events, this violent purge of the corporation was a source of weakness rather than of strength. Even in the hour of triumph one of the aldermen, one of the assistants, and three of the common councillors selected by the victorious party refused to take the oath required on entering upon office, thereby dissociating themselves from the party which had put them forward. In 1652 opinion had so veered round amongst the free burgesses as to carry the election to the mayoralty of John Radhams, an opponent, though not a thoroughgoing opponent, of Barrington's party; and in 1653 to give him as a successor Thomas Peeke, whose antagonism to Barrington was of a more unbending character. So far as the general political situation may be supposed to have influenced the development of municipal parties, with which the personal element is often of preponderating influence, it would appear that at least one of the causes in the reaction was the growth of a party which, without being distinctly Royalist, was nevertheless shocked at the increasing weight of the soldiery in public affairs. The years which intervened between Barrington's election in September 1648, and Peeke's in September 1653, witnessed Pride's purge, the King's execution, the expulsion of the Long Parliament, and the setting up of the Nominees, Barrington himself being amongst those who, at the last-named date, were sitting and voting at Westminster. Men who had been revolted by these proceedings would naturally coalesce with their old opponents, the Presbyterian Royalists of 1648.[1] Peeke's name, however, seems to indicate that the party was not entirely composed of these materials, as he was one of those who, in 1662, refused to

[1] *Hist. Rev.* xv. 648.

conform to the requirements of the Corporation Act.[1] The evidence becomes still more clear when, in the Parliamentary elections in July 1654, Colonel Goffe was put forward by Barrington's opponents, and succeeded in securing 98 votes against 102 given to Maidstone, the treasurer of the Protector's household.[2]

A Parliamentary election.

The mere number of Goffe's supporters proves nothing as to the political principles of the very large minority by which he was supported. Candidates have neither the will nor the power to reject votes given by those whose opinions do not entirely square with their own. The remarkable thing is not that Goffe was nearly elected, but that it occurred to anyone in Colchester to invite him to be a candidate, or to assure him of support if the overture proceeded from himself. In many elections the point at issue was the acceptance or rejection of the schemes of the Nominated Parliament, and those who wished to show their animosity

Character of Goffe's candidature.

[1] *Hist. Rev.* xv. 662.

[2] "As the names of the voters," writes Mr. Round, "are fortunately preserved, we can see that the voting went on strict party lines, except that Mr. Shaw voted for Maidstone, and Alderman Cooke for Goffe. The latter's supporters were headed by Peeke, then mayor, followed by Radhams, Gale, Reynolds, Rayner, and Milbanke; while Maidstone's list is headed by Barrington, who is followed by Greene, Vickers, the Furleys, and the other members of his party. My own explanation of this voting would be simply that, as Goffe was the only candidate in the field whose election could be deemed embarrassing to Cromwell, the anti-Cromwellians, even if Presbyterians, agreed to vote for him *en masse*. Their support of him in that case would not of necessity imply their own predilections" (*Hist. Rev.* xv. 663). It is only fair to give Mr. Round's words, as they appear to point to a solution which may reconcile the differences between us. That the Presbyterians were not the whole of the party is acknowledged in the words just quoted. My suggestion is that it included members of the advanced sects as well as a few Royalists of the original stamp. At first I laid less stress on the Presbyterian side of the party than I ought to have done, but I still think that he lays too great stress on the Royalist or semi-Royalist element.

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to that Parliament had an excellent candidate in Maidstone, an official of the Government on terms of close intimacy with the Protector himself. If the Presbyterian opponents of Barrington's party were on the look-out for a candidate of their own, they would have no difficulty in finding one who, like Maidstone, but unlike Goffe, had a local connection with the county of Essex. On the other hand, if they were anxious to catch votes amongst a class which had little in common with themselves, and which comprised members of extreme sects, religious and political—Baptists, Fifth Monarchy men, Levellers, and thorough-paced Parliamentarians—Goffe was the very man to bind together so loose a coalition. As an officer in the army he was not only as attached to Oliver as Maidstone himself, but had actually taken part in expelling from the House those members of the extreme party who clung to their seats after their colleagues had gone to lay their authority at the feet of the Lord-General.[1] Yet, if such a record may have commended him to the lovers of order, his fervent religion was likely to secure him a favourable verdict from those who held that the Protectorate was too conservative, and who were ready, if power came into their hands, to sever the still existing connection between Church and State.[2]

Sept. The municipal elections

Defeated in the Parliamentary election in July, the coalition had its revenge in the municipal elections in September, when its leader, Thomas Reynolds,

[1] See Vol. ii. 280.

[2] This view of the case derives support from other arguments which will be adduced further on (see *infra*, p. 285). It does not militate against this view that Barrington's party included a Baptist, Samuel Crisp, amongst its adherents. The Baptists were split politically into two parties—those who accepted the Protectorate, and those who opposed it.

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who ultimately rallied to the Restoration, was chosen mayor.[1] His success encouraged his party to the strongest measures. Unlike the occupant of the mayoralty, aldermen, assistants and common councillors could only be removed by death or malfeasance, and some years, therefore, must pass before the majority amongst the burgesses could secure a majority in the corporation. To get over the difficulty Reynolds, taking example by the purge of 1648, assembled a meeting of the burgesses and persuaded them to expel from the corporation not only Barrington himself, but also his son, Abraham Barrington, as well as to deprive Arthur Barnardiston of the recordership. The charges brought against these three were that they had neglected their duty, and had otherwise misconducted themselves. Against such violence Barrington was certain to protest, and his protest took the form of an application to the Upper Bench to restore himself and the recorder—Abraham Barrington was, for some unknown reason, not included in the case—to the posts they had formerly occupied. Chief Justice Rolle, in giving judgment, took the reasonable ground that it was unjust to an official to deprive him of his office on certain charges without giving him an opportunity to disprove them, and ordered the restitution of the claimants, unless their opponents could show cause to the contrary.[2]

Barrington and his partisans expelled.

1655 May. Barrington supported by the Upper Bench.

[1] It is not desirable to lay too great stress on party statements, but it is remarkable that Barrington and his party should have charged Reynolds with having been 'a very good friend to Mr. Alderman Barrington until he endeavoured to procure an Act of Parliament for maintenance of ministers in the said town, saying that that Act would enslave them and their posterities.'—*S.P. Dom.* xcviii. 22. If this is true it makes Reynolds, and not Barrington, an extremist.

[2] Only the case of the recorder is reported in Styles's *Narrationes Modernæ*, 446, 452; but we learn from the articles of Barrington's party (*S.P. Dom.* xcviii. 22) that both gained their case, and the

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April. An appeal to the Protector.

May 31. The complaints on both sides referred to the Council.

June 9. A Committee empowered to examine the case.

June. Glyn's judgment.

Whilst the case was still pending both sides were doing their best to secure the goodwill of the Protector, a statement of Barrington's case having been drawn up about the beginning or the middle of April.[1] It may, however, be concluded, with some probability, that Oliver held back the papers presented to him on both sides till the end of May; and it is at all events certain that it was not till June 9[2] that the Council appointed the Committee which it empowered to examine the allegations of the two parties. Before, however, this Committee had time to wade far into the business the case came again before Glyn, the new Chief Justice, who had stepped into Rolle's place,[3] and who now pronounced as strongly as his predecessor in favour of the ejected officials. It is true

Protector's letter of June 28, cited in the reply of Reynolds's party (*ib.* xcviii. 23), shows that the recorder and one alderman were concerned. Rolle's judgment must have been delivered on or before May 28, the last day of Easter Term, as he resigned before Trinity Term commenced.

[1] There is a reference in it (*S.P. Dom.* xcviii. 20) to a commission of gaol delivery to be executed 'the 23rd of this instant April.' The dates given in the *Calendar of State Papers* are hopelessly misleading, most of these documents being placed under the date of June 9, without any hint that this is merely the day on which the Council referred the statements and counter-statements to a Committee. This incorrect date is also assigned to other papers evidently written much later. The answer of the Reynolds party (*ib.* xcviii. 21) is one of those dated in the margin of the Calendar June 9, whilst in the text it is said to have been referred to the Council on April 3. As a matter of fact the date of the reference is given, in Thurloe's hand, in the original, as April 31, which might be a mistake for April 30 or May 1; though it is more likely to have been May 31, a supposition which would be favoured by the likelihood that the Protector would have waited, before consulting the Council, for Rolle's judgment, and also by the fact that the papers on both sides were referred by the Council to the Committee on June 9; it being improbable that the Council should have waited for some forty days if the Protector had requested its opinion on April 30 or May 1.

[2] The date given in the Calendar (June 7) is a misprint. Council Order Book, *Interr.* I, 76, p. 129.

[3] See *supra*, p. 153.

that Glyn, before his elevation to the Bench, had acted as counsel for Barnardiston; but the judgment delivered by Rolle was so evidently just that it is useless to inquire whether this fact weighed to any extent with the new judge. Decisive as was the ruling of the court, the first news which reached London from Colchester was that the majority of the corporation—now composed of Barrington's opponents—had resolved to put themselves in order by passing a fresh vote of expulsion, doubtless—though nothing has come down to us to that effect—after giving a formal hearing to the aggrieved parties.[1] It was more than Oliver could endure, and on June 28 he sent a sharp order to the corporation, commanding them to reinstate the ejected persons in accordance with the direction of the court, and prohibiting them, at the same time, from making any further changes till the complaints of both parties had been fully investigated by the Council.[2]

Proceedings at Colchester.

June 28. Interference of the Protector.

When the petitions and declarations were laid before the Council there could be little doubt which

The Reynolds party the more numerous.

[1] The report in Styles's *Narrationes Modernæ*, 452, ends: "Therefore let him be restored *nisi* and to-morrow." This judgment of Glyn's must have been delivered after June 15. The following passage in a later set of articles by Barrington's party (*S.P. Dom.* xcviii. 22) shows that the rule was afterwards made absolute, and was understood to cover the case of the younger Barrington. They say 'that the three persons as above turned out were by due course of law restored to their places. The said Mayor'—*i.e.* Reynolds—'and Mr. Thomas Peeke threatened to turn them out again; but His Highness, being acquainted with their design, sent an order to the Mayor.'

[2] The order is given in full in the reply of the Reynolds party: "Oliver P.,—Being informed that writs from our Upper Bench are issued out for restoring of the recorder and one of the aldermen lately by you ejected, our will and pleasure is that, after the execution of the said writs, you do forbear the displacing of the said persons, or making any alteration in the magistracy or common council of this town, until the business be determined by our Council, to whom the petitions of our town are referred. Whitehall, June 28."—*S.P. Dom.* xcviii. 22.

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side represented popular feeling in Colchester. The Barrington memorial was signed by four aldermen, six assistants, nine common councillors, 121 burgesses, and 122 other inhabitants, the signatures on the whole amounting to 262. The Reynolds petition was signed by no less than 971 persons, of whom eight were members of the corporation, whilst no distinction was drawn between the burgesses and other inhabitants who made up the remaining 963. It was easy enough to count the signatures. It was far harder at Whitehall to get to the bottom of the charges and countercharges preferred on either side on matters of local notoriety. What, for instance, was the Committee to do with an allegation that Peeke, the mayor chosen under the influence of the Reynolds party in 1653, had sold defective cloth to the Corporation for distribution amongst the poor; or that Reynolds himself, at the opening of his mayoralty, had summoned a meeting of the burgesses only to inform them that he invited them to drink at the house of Mr. Shaw, one of his own prominent supporters; or, again, that he and Radhams, who had followed Peeke as mayor, had shown countenance to John Rayner, in spite of his having been convicted of swearing, whilst he himself had licensed a multitude of alehouses and had winked at the existence of many that were not licensed at all? Peeke, too, it was alleged, had said at the time when he held the office of mayor that it was no matter how many alehouses were opened, as 'if they were let alone one alehouse would break another.' The latter charge was explained away by Peeke as merely indicative of his desire to see as many alehouses as possible reduced to bankruptcy, whilst he absolutely denied the suggestion that the cloth supplied by him was of inferior quality. Rayner,

The Committee of inquiry at work

on his part, averred that he had only once given vent to a profane oath, and that only under circumstances of the greatest provocation, so that he could not be held guilty under the charter of 1635, which referred only to frequent swearers. Reynolds then carried the war into the enemy's quarters, charging them with neglect of duty and misappropriation of the property of the town.[1]

Aug. 10. The expelled members of the corporation restored.

If it was hard for the Committee to discover the truth amidst these revelations, it was still harder to pacify the excited factions. It was something gained that on August 10 the expelled members of the corporation were restored to their seats.[2] Time, however, was flowing rapidly by, and on September 3 the municipal elections to the mayoralty and other executive offices must be held in accordance with the charter. As the result was certain to give another triumph to Reynolds and his associates, the Council, seeing no prospect of a report from their Committee before that date, consulted the Commissioners of the Treasury whether the elections could not be avoided on the highly technical ground that the charter having been removed from the custody of the town might be regarded as no longer in force, and that the Protector would therefore be acting within his rights if he appointed the new mayor—presumably only for the time being—a step which Barrington and his allies had asked him to take as long ago as the preceding April.[3] The Treasury Commissioners replied in the negative, though they thought that the Protector, whilst leaving the town to choose its own magistrates, might request that

The Council anxious to postpone the elections. The Treasury Commissioners consulted.

[1] These charges are scattered over the petitions and declarations of the two parties.

[2] *Hist. Rev.* xv. 652.

[3] *Ib.* 650.

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the names of those so chosen should be submitted to him for his approval.[1] Acting on this hint, the Council at once passed an order on August 30 that a letter should be written to this effect;[2] and there can be no doubt that it was actually written, and was, in all probability, signed by the Protector on the following day. At the last moment, however, its despatch appears to have been countermanded. The explanation of this apparent vacillation may be that Reynolds, meeting with Colonel Jones, a member of the Council, gave some assurance that the election would fall on candidates who had not committed themselves strongly to either of the factions. Jones, at all events, in parting with Reynolds recommended him to 'go home and cause an honest mayor to be chosen.'[3]

Aug. 30. A letter written,

Aug. 31. but not sent.

Either Reynolds's notions of honesty differed from those prevailing at Whitehall or he found himself unable to control his followers. The elections on September 3 were carried on strict party lines. Radhams was chosen mayor, Peeke and Milbanke—the latter having been one of the signatories of the Essex petition—were named justices of the peace, whilst Rayner, who had acknowledged himself guilty

Sept. 3. The elections.

[1] Report of the Treasury Commissioners, Aug. 30, *S.P. Dom.* c. 70, I. It is difficult to say why the Treasury Commissioners were consulted, unless it were on account of the legal eminence of two of them—Whitelocke and Widdrington.

[2] Council Order Book, *Interr.* I, 76, p. 260.

[3] The letter is given in *Thurloe*, iii. 753, dated Aug. 31, but unsigned. It is, however, entered in the Council Order Book, *Interr.* I, 76, p. 262, with the letters O. P. at the head. That it was not sent is shown by the fact that no reference was ever made to it by either side, even under circumstances which would almost have compelled its mention. The explanation in the text, that the Protector heard of Jones's conversation with Reynolds after he had signed the letter, does not profess to be more than a probable hypothesis. For the conversation with Jones, see the 'Reply of Reynolds and others,' *S.P. Dom.* xcviii. 23.

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of having once sworn a profane oath, was elected chamberlain.

The result was a fresh petition from the leaders of the Barrington party, declaring that the Protector's order of June 28—by which, as they alleged, elections had been prohibited till the questions in dispute had been settled—had been set at naught by the late proceedings at Colchester, on which ground they recurred to their former suggestion, asking that the Protector should himself 'appoint a mayor or some other person to govern the said town till the consideration of the charter . . . may receive such an issue as may be an effectual remedy to the aforesaid grievances.[1]' Whether the order in question could fairly be made to bear this interpretation or not—and its wording was undeniably ambiguous[2]—it was as open to Barrington to argue that a prohibition 'to make any alteration in the magistracy or common council' forbade the holding of ordinary elections, as it was to Reynolds to argue that it merely forbade a repetition of the revolutionary measures by which the two Barringtons and the recorder had been thrust out of office. The Council prudently refused to involve themselves in the meshes of an academical discussion, and were no less unwilling to advise the Protector to appoint a mayor by his own authority. On September 26, doubtless feeling the impossibility of threshing out the points in dispute without more local knowledge

An appeal from the Barrington party.

A question of interpretation.

Sept. 26. Local commissioners empowered to conduct an inquiry.

[1] This petition is printed by Mr. Round, *Hist. Rev.* xv. 653.

[2] For the order see *supra*, p. 277, note 2. It may be argued that the letter of Aug. 31, by making, as Mr. Round shows, 'no mention of the alleged order of June 28 forbidding any further election,' shows that the Protector did not intend in June to prohibit ordinary elections. Barrington, however, so far as we know, had not seen the suppressed letter of Aug. 31, and it was open to him to draw inferences from the actual wording of the order of June 28.

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than they possessed, they named seven commissioners to conduct the inquiry, most of them being Essex men, and all of them East Anglians. In the meanwhile they directed that the newly elected mayor was to forbear to act, and that his predecessor, Reynolds, was to retain office till further orders. On October 11 this order was extended to the maintenance in office of the other magistrates, who would in due course have been superseded by those recently elected in their room.[1]

Reynolds to retain office,

Oct. 11. as well as other magistrates.

The action of the Government fair and reasonable.

Up to this point it is hardly possible to speak of the conduct of the Government otherwise than in terms of commendation, except on the general ground that it ought not to meddle at all in municipal disputes—a view of the case which was not put forward at the time, and which could hardly be urged by those who, like Barrington and Reynolds, had voluntarily submitted to the Protector's judgment. How fairly and reasonably the Council had acted may be gathered from the fact that, instead of responding to Barrington's proposal that the mayoralty should be filled by the Protector himself, it had left that office in the possession of the leader of the party most distasteful at Whitehall. It may have hoped that the relegation of the case to local commissioners would expedite a settlement.

Nov. Death of the recorder.

Towards the end of November, however, the death of Barnardiston brought matters to a crisis, as it became necessary either to force upon the town a successor in the recordership, or to submit to having a Royalist like Shaw[2] established as a life-holder of that important office. Moreover, by this time the

[1] Order in Council, Sept. 26, *S.P. Dom.* c. 153.

[2] Shaw had been chosen recorder when Barnardiston was turned out. Petition of the mayor and others, *ib.* xcviii. 21.

Major-Generals were at work in their districts, and the minds both of the Protector and of the Councillors were turned in the direction of more authoritative action than they would have countenanced in the summer. On December 4 Oliver no longer hesitated, but, assuming that Barrington's interpretation of his letter was the right one, proceeded to order Haynes, the deputy Major-General of the district, to visit Colchester, and to give directions to the mayor not merely to hold the election of a new recorder, but also to carry out the elections of other office-bearers in place of those chosen on September 3; Haynes himself being required to remain in the town till this order had been executed. Yet, unless the mere presence of Haynes were sufficient to cow the hitherto determined opponents of the Barrington party, little would have been gained by this measure, if it had stood alone. Oliver, accordingly, put a weapon into Haynes's hands which could hardly fail in procuring submission. Care, he informed his subordinate, was to be taken 'that the electors and elected be qualified according to our late proclamation'—the one, that is to say, of September 21, ordering the execution of an Act of Parliament which expired on September 28, and which consequently had no legal validity at the time when these instructions were given.[1] In this case, as in so many others, the Protector departed as slightly from strict legality as was possible if he was to gain his ends.[2]

Dec. 4. Haynes to be present at the elections.

The proclamation of Sept. 21 to be enforced.

[1] The Protector to Haynes, Dec. 4, Morant's *Hist. of Essex*, I., Colchester, 74. For the Proclamation, see *supra*, p. 178.

[2] It might, indeed, be argued that the deviation from the law was even slighter than is expressed above. When the Act was passed Parliament had fixed its own dissolution for Nov. 3, 1654, and expected to be succeeded by another which would be in session in Sept. 1655. It might therefore be argued that the intention of the Legislature

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Haynes perfectly understood the intentions of his master. The proclamation in question, reciting the words of the expired Act, declared 'that no person or persons whatsoever that had his estate sequestered, or his person imprisoned for delinquency, or did subscribe, or abet the treasonable engagement in the year 1647, or had been aiding or assisting the late King, or any other enemies of the Parliament, should be capable to elect or be elected to any office or place of trust or power within this Commonwealth, or to hold or execute any office or place of trust or power within the same.'[1] Such a definition included not only the old Cavalier party, which had openly sided with Charles I. in the first Civil War, as well as those Presbyterian Royalists who had thrown in their lot with Capel and Norwich in the siege of 1648, but also those who, without taking any active part on that occasion, had given their signatures—as it is said that no less than 1,300 had done—to the Essex petition, in which what was now styled the treasonable engagement had received support.[2]

Another purge at Colchester.

The elections having been fixed for December 19, Haynes, who had arrived in the town some days before that date, went carefully over the burgess-roll, marking for exclusion the names of all who fell under one or other of the heads set forth in the proclamation. Yet, after all his efforts, there still remained so many of the opposition on the roll that when the day of election arrived the majority for

was merely that the Act was then to be reviewed in the light of a situation existing at the time named. As no Parliament happened to be in existence at the time the intention of the makers of the Act would be best carried out by its prolongation. Such an argument, however, would hardly commend itself to a court of law.

[1] *Hist. Rev.* xv. 655.

[2] See *supra*, p. 269.

Barrington's party was no more than 74 to 66; showing that, so far as the numbers voting at the Parliamentary election of 1654 can be taken as a standard, some 70 burgesses must have been struck off the list.[1] Small as the majority was, it was sufficient. A Barringtonian, Thomas Lawrence, was chosen mayor; and the other officers were elected from the same party, except that Peeke, either as a matter of personal favour or in order to show some semblance of comprehensiveness, was placed in the unimportant office of coroner.[2]

Dec. 19. The Government nominees elected.

It is impossible to speak with certainty on the interesting question of the composition of what before this last purge had been a majority amongst the burgesses, and had been also—upon the evidence of the far greater number of signatures to Reynolds's first reply than could be secured for Barrington's original petition[3]—a considerable majority amongst the inhabitants who were not burgesses. One thing, however, is clearly shown by the evidence before us, namely, that Barrington's supporters were not merely a minority, but also a diminishing minority. At the Parliamentary election of 1654 they mustered 102; at the municipal election of 1655 they were reduced to 74. Of the majority, those now struck off the burgess roll can only, in accordance with the terms of the Proclamation, have been those who had shown themselves hostile to Parliament before the end of 1648; and the nucleus of the new party, which in 1654 supported Goffe, and which supported Reynolds

What was the composition of the two parties?

[1] Haynes to Fleetwood, Dec. 20, *Thurloe*, iv. 330. The voters in 1654 were 200, which would give 60 as the number of the exclusions; but as some voters must have been absent from the poll from illness or other causes, the probable number of the excluded may be set at 70 or thereabouts.

[2] List of officers, *ib.*

[3] 971 to 262. See *supra*, p. 278.

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in 1655, may therefore be looked for amongst the well-to-do and more or less conservative burgesses, who are vaguely credited with the style of Presbyterians, and who, whether or not they had any conscious tendency to Royalism, were at least alienated by the existing Government. The increase of the majority hostile to Barrington since the summer of 1654 may fairly, though only conjecturally, be set down to dissatisfaction with the dismissal of the first Protectorate Parliament, and, still more recently, with the establishment of the Major-Generals.[1]

The opposition probably a composite one.

Yet, after all is said, it may be presumed that the party led by Reynolds did not entirely consist of sober-minded Puritans dissatisfied on political grounds with the Government of the day. The choice of Goffe as a candidate in 1654 points, as has been already shown, to the necessity of conciliating burgesses whose religious fervour was of a quality very different from that of men content with the ministrations of a Presbyterian clergy, and such men were likely to be found in the ranks of the Baptist extremists, or even of the Fifth Monarchy men and Levellers. Barrington's party, on the other hand, according to this view of the case, would

[1] As will be seen, I accept Mr. Round's argument as conclusive so far as the main body of Reynolds's party amongst the burgesses is concerned. He says of the signatories of the Barrington petition: "When their names are examined they do not appear to me, with the exception of the first three, to be those of men of any account, so far as the social history of the town at this time is known. When, on the other hand, we turn to the petition of the Reynolds party, one recognises name after name of the substantial men in the town. Mr. Thurston, for instance, had himself paid no less than 500*l.* of the 6,000*l.* extorted by Fairfax and his troops from the non-Dutch inhabitants after the siege. Several of the other signatories are known to me, as is their good commercial position. The petition was also signed by many of the Dutch congregation, whose wealth was such that 6,000*l.* was exacted from them alone" (*Hist. Rev.* xv. 651).

mainly consist of the Independents and of such of the Baptists as had, like Fleetwood and the bulk of the London ministers, ranged themselves on the side of the Government. That the wilder elements of Puritanism were fully represented in Colchester is known from Evelyn's remark, made after a visit in the summer of 1656, that it was 'a rugged and factious town now swarming with sectaries'; whilst it is also significant that out of the 971 who signed Reynolds's petition, no fewer than 277, or more than a fourth of the whole number, were unable to sign their names except with a mark.[1] How many illiterates there were amongst the 122 inhabitants, not being burgesses, whose names are to be found at the foot of the Barrington petition we cannot say, as all the names are written in a single hand.

[1] I have taken it for granted that all the burgesses would be able to write. The charges brought by the Barringtonians against the other party indicate, if they do no more, that the latter was to some extent of a composite character. On the one hand they charge them with 'designing to introduce notorious and grand malignants to be magistrates . . . as appeareth by their propounding Mr. John Meridale and Mr. Henry Lamb to be elected;' whilst, on the other hand, they speak of them as 'threatening utter ruin to the interest of religion and sobriety,' language which would be inappropriate to a party composed entirely, or almost entirely, of Conservative Presbyterians or the like. Again, one of the declarations of Reynolds's party thanks the Protector for having brought with him 'that which is the greatest of all mercies, a just freedom and liberty in the worship of Jesus Christ.' *S.P. Dom.* xcviii. 19, 21, 24. I quite acknowledge that we must not look too closely into the arguments put forward on the spur of the moment by partisans, but there is, nevertheless, some conclusion to be drawn from the nature of the arguments chosen, and still more from the omission of other arguments. There were so many things which Barrington might have said of a purely Conservative and Presbyterian opposition which, nevertheless, he did not say. It may be remarked that the subsequent petition for a new charter proceeding from the triumphant Barringtonians claims support on the ground that they countenanced 'religion and sobriety.' They can hardly have meant that Presbyterians were deficient in these qualities.

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Personal questions involved.

Such considerations, however, it must be admitted, cannot be stretched to cover the whole ground. In municipal, even more than in national disputes, personal questions range themselves side by side with political ones, which they not infrequently overtop. It is by no means unlikely that Barrington had given offence by some peculiarity of his character or demeanour, and that he had shown himself overbearing and contemptuous in his dealings with his fellow-citizens. Nor can there be much doubt that the opposition to his authority was reinforced, not only by those who conscientiously differed from him in politics or religion, but also by a large number of the easy-going and self-indulgent, to whom the Puritan strictness of his rule was abhorrent. On the whole, it may be concluded that the growth of the party up to the summer of 1654 is best explained on the supposition that Presbyterians who were not Royalists tended to coalesce, on the one hand, with the Presbyterian Royalists of 1648, and, on the other hand, with the more fanatical sects, but that the great increase in the numbers of the combined party in 1655 must be set down to the dissatisfaction arising in the minds of the non-political class with the growing tendency of those in power to enforce the strict observance of Puritan legislation.[1]

The majority thus secured by Haynes was too slight to be depended on after his own minatory presence had been withdrawn, and it was the Major-

[1] This is brought out in many of the charges against Reynolds's party. In one he is said to have been asked why he had connected himself with the wicked party, and to have answered that it had stood by him when the others forsook him. Whether the conversation was distorted or not, this report of it points to its being understood that some at least of his followers did not reach the standard of Puritan morality.

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Dec. 20. Haynes calls for further restrictions.

General himself, who pointed out that further measures were required if the municipal situation was to be saved. "How great need," he wrote to Thurloe, "these few and weak hands and hearts have to be strengthened I submit to your Honour's consideration, especially considering the populousness of the place, and that here were 1,300 hands set to the personal treaty and petition. I humbly offered this as a consideration to His Highness that, unless some speedy change be made in such malignant corporations, it's not for such honest men that would serve you to abide in their present stations; for no longer than such a severe hand as there was in this election be held over them will any good magistracy be countenanced; which, if it may by any means provoke to the doing something effectual in the charters of corporations, I have my end, and I am sure the hearts of most that fear God will be rejoiced."[1]

1656. A Committee for the renewal of charters.

Haynes's hint was soon taken. Early in the spring a Committee of Council was appointed to consider the renewal of charters in which changes were demanded[2] by the corporations themselves.

March 10. A petition from Colchester.

So far as Colchester was concerned, it was easy to procure a petition from the purged corporation laying blame for the past distractions on the defective constitution of the borough, by which 'in many particulars too great power is given to the people to slight the magistracy of the . . . town, and render them useless in their places, whereby wickedness and profanity is much increased, to the great discouragement of honest men.' The conclusion to which all this tended was

[1] Haynes to Fleetwood, Dec. 20, *Thurloe*, iv. 330.

[2] The date of its appointment is unknown, but the first notice of it is on April 4, though it must have been in working order before that. Council Order Book, *Interr.* I, 77, p. 29.

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that a new charter should be granted which would give better support to the magistracy than the old one had hitherto done.[1] The Committee, as might have been expected, pronounced in favour of the proposal, and in the course of the summer a new charter was prepared, transferring the right of nomination to offices and to the common council from the burgesses to the common council itself.[2] Henceforward, the burgesses being excluded from the new corporation, were to preserve no other right than that of exclusive eligibility to office. The new corporation, moreover, was to choose the Parliamentary members, the free burgesses being excluded from the franchise in political as well as in municipal elections. In other respects the amendments were distinctly for the better. The high steward, recorder, aldermen and common councillors, were to hold office for life, and to be liable to removal for misdemeanour as before, but the vague authority to remove them 'for any reasonable cause' was omitted, and it was specified that the charges made against accused persons, together with the answers given in reply, should in future be delivered in writing. Alehouses were to be licensed only at quarter sessions, and then by the mayor and two justices. To secure the permanency of this system the first mayor, aldermen and common council were named in the charter,[3] as Charles had named them in his charter of 1635. It is, however, one thing to secure the temporary predominance of certain

The new charter.

[1] Petition to the Protector. Account of the proceedings, March 10, *S.P. Dom.* cxxvi. 14, 14 I.

[2] As before, after the nomination of two persons to each vacancy had taken place, the final choice was vested in different bodies, according to the nature of the position or office. See p. 268.

[3] The charter itself has not been preserved, but we have notes of alterations proposed by Desborough and Sydenham to the Council, and

persons at a time when party divisions are comparatively undeveloped, and another thing to stereotype the victory of a minority which would never have secured power without the employment of overwhelming force. Something of this kind appears to have been present to the mind of the Protector and his advisers, as, though they took good care to place in the new corporation a considerable majority of the Barrington party, they allowed some of their opponents to take part in the affairs of the borough, at least as critics. Radhams and Gale, though belonging to the now depressed party, retained their seats as aldermen, whilst two of their allies were placed in the common council. These latter, however, forfeited their seats by refusing to take the oath of office.[1]

Aug. 21. The new corporation nominated.

Charters were renewed in several places besides Colchester, but the only trace of a political object is to be found in Carlisle, from which city a complaint reached the Council in January that a Royalist mayor had been elected, who opposed the reformation of alehouses, favoured the election of disaffected aldermen, besides being guilty of other misdemeanours.[2] The result was a sharp order for the execution of the proclamation of September 21, though at the request of the Major-General of the district four Royalist common councillors were allowed to retain office for the benefit of the town.[3]

Jan. 17. The business of Carlisle.

In the remaining cases there is nothing to lead us to

an Order of Council of June 12 recommending that the charter be presented to the Protector, as amended, for renewal. As nothing is heard of the Protector's dissent, it may be taken that we have in these notes the charter as it finally passed the seal. *S.P. Dom.* cxxviii. 59, 60, 60.1.

[1] *Hist. Rev.* xv. 658. Council Order Book, *Interr.* I, 77.

[2] Petition read in Council, Jan. 17, *S.P. Dom.* cxxiii. 42.

[3] Lawrence to the Mayor, &c., of Carlisle, Jan. 18; Lawrence to the Major-General for Cumberland, Jan. 18, Council Order Book, *Interr.* I, 76, p. 484; 77, p. 484.

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Cases of Salisbury and Leeds.

suppose that any other than a local object was served by the remodelling of the corporations. At Salisbury, for instance, the corporation itself petitioned for a new charter, mainly, it would seem, to obtain thereby a confirmation of the purchase by the city of property formerly belonging to the dean and chapter; though they at the same time asked for a diminution of their numbers, on the ground that the trade of the place having decayed—perhaps because the cathedral dignitaries were no longer purchasers from the tradesmen of the place—a sufficient number of qualified citizens were no longer available for service in the common council.[1] A petition from Leeds, too, reveals no more than dissatisfaction with local conditions;[2] and it is probable that the other demands for the renewal of charters which were brought before the Committee bore the same complexion.

The case of Colchester exceptional from one point of view, and of general importance from another.

The troubles at Colchester, therefore, were from one point of view exceptional, as nowhere else were parties arrayed against one another in a struggle so decided and prolonged. From a different point of view they furnish a sample of the conflict which was disturbing the nation itself. In Colchester, as in England at large, the opposition to the Protectorate showed no sign of crystallising into a distinctly Royalist movement. One party asserts that its opponents are tainted with malignancy, a charge which those opponents promptly disclaim. There is no hint of that kind of talk about bringing back the King which might be prudently kept from observation in quieter times, but would be sure to spring to light when divisions ran as high

[1] Petition of the Corporation of Salisbury. A copy of the Protector's charter is amongst the Municipal Records, as is also the Journal of the Common Council.

[2] Petition of the inhabitants of Leeds, Dec. 2, 1656, *S.P. Dom.* cxxxi. 7

as they did in the Essex borough. In Colchester again, as in England at large, a heterogeneous majority was arrayed against the Protectorate. Wherever this phenomenon met his eye, Oliver's remedy for the mischief was the upholding in power of a determined minority, capable of keeping at arm's length alike the political opposition of the Royalists, the religious opposition of the sects, and the social opposition of the worldly and profane. So long as he lived he was resolved that the ill-informed and evil-minded multitude should not bear sway in England. The 'honest party' alone was to be placed and maintained in power. That the 'honest party' owed its pre-eminence to the sword that he wielded was to him an unfortunate accident, which he strove to mitigate, but which, in the nature of things, it was impossible for him to shake off. Unfortunately for the permanence of the Protectorate, the increasing prominence which the doctrine that the supremacy of the 'honest party' must at all hazards be maintained had assumed in Oliver's mind had seriously affected his chance—never very great—of reconciling the nation to his Government. Starting at the dissolution of his first Parliament with the notion that he was justified in disregarding the law whenever it came in conflict with the duty of maintaining the Constitution, he found himself towards the end of 1655 in possession of the military organisation of the Major-Generals, which he had established as a weapon against the enemies of the Constitution, but which readily lent itself to other services. The sword drew on the man; and he sought to use that organisation, not merely to combat the partisans of the exiled claimant of the throne, or the partisans of the sovereignty of a single House, but the elements of

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society in which the moral and religious standard was lower than his own. In such a struggle he found himself necessitated to trespass beyond the limitations of the law even more frequently and more decisively than when his efforts had been directed to the maintenance of a political claim which was in itself sound. By this course he had unconsciously arrayed against him not merely the careless and the profligate, but all who valued the rule of law, and who strenuously objected to a Government which measured the obligations of Englishmen by the length of its own desires. It was not, however, in England that the doctrine that government should rest on the minority of the well-affected was to be observed in its most glaring colours. Those who wish to examine its character thoroughly must turn to its extreme development in Ireland.

CHAPTER XLIV.

THE CROMWELLIAN SETTLEMENT OF IRELAND.

STERN as were the measures needed to secure the reign of what Oliver counted as godliness in England, they were mildness itself in comparison with the drastic measures required to secure its predominance in Ireland. In that unhappy country it was of little consequence whether one party or another gained the mastery at Westminster. In any case Irishmen, whether of Celtic or of Anglo-Norman descent, would be doomed to suffer. Nor is it easy to see how it could be otherwise. More than a century of strife had taught Englishmen to dread lest Ireland should be used as a stepping-stone for the armies of their Continental rivals. It was only in consonance with average human nature that they still preferred forcibly to disable the Irish people, rather than seek to win them over to the side of England, even if, after the past experience by the Irish of English cruelty, it were any longer in their power to do so. Three generations of English statesmen had striven to secure Ireland by replacing the native population by English settlers, and the policy of Mary and Elizabeth, of Bacon and Strafford, still counted for wisdom on the banks of the Thames. To hold Ireland securely by the extension of the plantation system was the policy which had been handed down to the Long

English and Irish.

A plantation policy.

CHAP. XLIV. 1651

Parliament by preceding Governments. If that Parliament attempted to carry out the same design more completely, it was because Cromwell's sword had made that possible which had been impossible before. Whether Irishmen would be the better or the worse for this violence not one of these Governments, past or present, either knew or cared. In the eyes of Englishmen, the resistance of the 'Irish enemy' was no patriotic struggle for independence, no well-justified refusal to bow the neck beneath the yoke of an alien who, apart from his cruelty and his greed, brought with him a religious and political system distasteful to Celtic nature and Celtic traditions, but rather the bestial repugnance of the savage to accept the rudimentary conditions of civilised order.

Consistency of English policy.

It is not within the province of the historian to conjecture how things might have fallen out if only the mental habits and the passions of the actors on the stage had been changed. It is sufficient for him to mark the consistency of a policy which sprang from definite causes unremoved during the lapse of years—a policy which led almost inevitably to what is usually known as the Cromwellian settlement, though it was in reality sketched out by the Long Parliament before Cromwell was in a position to make his weight felt. It was Parliament which, roused in 1641 by the tale of horror wafted across the Irish sea, starting from the principle that resistance to Parliament was sheer rebellion against a legitimate Government, proceeded

1642. Grant to the Adventurers.

in 1642 to decree the confiscation of the estates of the rebels, and to set aside from the forfeited land 2,500,000 acres for the Adventurers who advanced money for the reconquest of Ireland.[1] To this

[1] *Scobell*, i. 26.

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Act the Royal assent was given just before the outbreak of the Civil War, and, though the money obtained by this means was diverted into other channels, the Adventurers retained their claim to the security on which payment had been made. 1642

1651. A proposed settlement

Years passed by before a chance was offered to the Adventurers of converting this claim into possession; and it was only in 1651, when Ireton set forth to lay siege to Limerick for the second time, that the prospect of reducing Ireland was such as to justify the Lord Deputy and his fellow-commissioners in taking into consideration a scheme for satisfying the Adventurers, and for inducing fresh purchasers to lend money upon the security of lands yet unpledged. Military necessities, however, put an end to the discussion for the time,[1] and it was not till after Ireton's death that it was possible to resume it with advantage. To clear the way it was necessary to secure the emigration of the armed forces of the enemy, thus rendering the Irish incapable of resistance for at least a generation. According to the best calculation, no less than 34,000 Irish soldiers consented to quit their native soil to serve in Continental armies, and 6,000 women, children, and priests brought the number of the emigrants up to 40,000.[2]

Its consideration postponed, 1652, but resumed after Ireton's death.

Jan. 8. Advice of the Commissioners.

In January 1652, whilst this emigration was still in the future, the Commissioners of Parliament—Ludlow, Corbett, Jones and Weaver—no longer associated with a Lord Deputy, sketched out a plan of operations. A line of defence was to be drawn from the Boyne to the Barrow, and secured by fortifi-

[1] The Commissioners to Vane, Aug. 2, 1651, *Irish R.O.*, $\frac{A}{89}$ 49, p. 39.

[2] Petty's *Political Anatomy of Ireland* (ed. 1719), p. 19.

CHAP. XLIV. 1652

cations, within which lands might be assigned to English and Protestants only, the entire Irish population being cleared away.[1] It was, however, proposed to distribute the Adventurers, in accordance with the Act of 1642, over the four provinces, and to satisfy the soldiers by assigning to them, in lieu of their arrears, lands in the neighbourhood of the garrison towns in which they were quartered. An allusion was made to the classification of Irish lately in rebellion under several categories or qualifications, in the way in which it had been proposed to deal with English Royalists in various negotiations carried on in the course of the Civil War, but it does not appear that any certain conclusion was arrived at. In April, Weaver—one of the Commissioners—was despatched to England to discuss the scheme with Parliament. On his arrival he found the Adventurers decidedly opposed to any plan which would scatter their homesteads among the Irish, and inclined to ask that the labourers required to till their lands might be imported from England. The discussion which followed[2] resulted in the Act of Settlement passed on August 12.

April. Weaver's mission.

Aug. 12. Act of Settlement.

By this Act Irishmen, with few exceptions, were placed under one or other of eight qualifications, all who came under the first five being excepted from pardon for life and estate—in other words, sentenced

The first five qualifications.

[1] The line was to be drawn 'for securing of the inhabitants within the said line, the same being once clear of the Irish.' Particulars humbly offered, Jan. 8, *Irish R.O.*, $\frac{A}{89}$ 49, p. 286. A copy in the Calendar of the Portland MSS., *Hist. MSS. Com. Rep.* xiii. App. I., pp. 622–25, substitutes 'enemy' for 'Irish.' If this be accepted the expulsion of Irish who submitted may not, perhaps, have been contemplated.

[2] Considerations to be offered by Mr. Weaver, *ib.* p. 644. For further particulars on the subject of the transplantation than are given in this chapter see *Hist. Rev.* (Oct. 1899) xiv. 700–734.

to be hanged with confiscation of property. The first included not merely persons who had 'contrived, advised, counselled, promoted or acted the rebellion, murders or massacres,' but also those who during the first year of the rebellion had assisted it 'by bearing arms, or contributing men, arms, horse, plate, money, victual, or other furniture or habiliments of war,' unless, indeed, these things had been taken from them by force. The second comprised priests, Jesuits, and other persons in Roman orders who had abetted the massacres or the war; the third, one hundred and six persons of note mentioned by name; the fourth, principals and accessories in the act of killing any Englishman, though an exception was made in favour of those who, being themselves enlisted in the Irish army, had killed soldiers enlisted on the other side; the fifth, persons in arms who did not lay them down within twenty-eight days after the publication of the Act. So far as it is possible to suggest an estimate, we can hardly reckon at less than 100,000 the number of persons sentenced to death on the first and fourth qualifications.[1] No such deed of cruelty was ever contemplated in cold blood by any State with pretence to civilisation.

There remained to be dealt with those Irishmen

[1] "Petty, . . . in his *Political Anatomy of Ireland*, puts the population in 1652 as 850,000, from which some 160,000 may perhaps be deducted as Protestants of British descent. There remain, therefore, 690,000 Catholic Irish, of whom about 180,000 must have been males old enough to be responsible for their conduct in 1641. Of these 34,000 escaped by emigration the penalties imposed on them, leaving some 146,000 under consideration. If, instead of adopting Gookin's exaggerations, we allow that two out of three of such Irishmen had taken some part in the first resistance, we have about 93,000 liable to suffer death under the first qualification, to which number must be added an incalculable number of Tories who, having shed blood, had come under the fourth qualification, bringing the total up to at least 100,000.' *Hist. Rev.* (Oct. 1899), xiv. 703.

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who, being of full age or nearly of full age in 1641, had taken no part even in assisting the actors in the first year of the rebellion, or those who were too young to have been responsible agents at that time. A small number of these, who had held high office, civil or military, were sentenced under the sixth qualification to banishment, and to the forfeiture of their existing estates, though lands to the value of a third part were to be granted to their wives and children 'in such places in Ireland as the Parliament, in order to the more effectual settlement of the peace of this nation, shall think fit to appoint for that purpose.' The seventh qualification covered those who, not being included in the former qualifications, had borne arms against Parliament—that is to say, those who had taken part for the first time in the war after November 10, 1642, as regularly enlisted soldiers. These, if they made submission within twenty-eight days after the publication of the Act, were to receive an equivalent of a third of their estates in some part of Ireland appointed by Parliament. The eighth qualification was directed against every person of the Popish religion who, having resided in Ireland at any time between October 1, 1641, and March 1, 1650, had not manifested constant good affection to the Commonwealth, who were to receive the equivalent of two-thirds of their estates in like manner. Others—that is to say, Protestants who had failed to show good affection—from them constant good affection was not required—were to forfeit one-fifth of their estates, retaining the remaining four-fifths, without the obligation of exchanging them for land elsewhere. However loose may be the wording of these two clauses, it is evident from the nature of the penalty that persons having an interest in land were alone

The sixth qualification.

Seventh and eighth qualifications.

Those having an interest in land alone affected.

affected,[1] the object of the Legislature being to clear the soil for the new settlers.

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1652

Pardon for the poor and landless.

The language of the next clause has been the object of much misplaced commendation. "Whereas," it had been declared in the preamble to the Act, "the Parliament of England, after the expense of much blood and treasure for the suppression of the horrid rebellion in Ireland, have by the good hand of God upon their undertaking brought that affair to such an issue as that a total reducement and settlement of that nation may, with God's blessing, be speedily effected; to the end, therefore, that the people of that nation may know that it is not the intention of the Parliament to extirpate that whole nation, but that pardon both as to life and estate may be extended to all husbandmen, ploughmen, labourers and others of the inferior sort, in manner as is hereafter declared—they submitting themselves to the Parliament of the Commonwealth of England, and living peaceably and obediently under their Government—and that others also, of higher rank and quality, may know the Parliament's intention concerning them, according to the respective demerits and considerations under which they fall; be it enacted and declared . . . that all and every person and persons of the Irish nation, comprehended in any of the following qualifications, shall be liable unto the penalties and forfeitures therein mentioned and contained, or be made capable of the mercy and pardon therein extended respectively, according as is hereafter expressed and declared."

To carry out these promises to the landless man it was, as a matter of fact, enacted and declared 'that all and every person and persons, having no real estate

[1] "An estate. . . . signifieth that title or interest which a man hath in land or tenements," *Cowel's Interpreter*, *s.v.*

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in Ireland nor personal estate to the value of 10*l.*, that shall lay down arms, and submit to the power and authority of the Parliament by the time limited in the former qualifications, and shall take and subscribe the engagement to be true and faithful to the Commonwealth of England, as the same is now established, . . . such persons—not being excepted from pardon, nor adjudged for banishment by any of the former qualifications—shall be pardoned for life and estate for any act or thing by them done in the prosecution of the war.'

What were the intentions of Parliament?

The charitable intentions of Parliament in shielding the poor from the consequence of their acts have been often praised. It is, therefore, worth while to ask what was the intention of the Legislature. In the first place, it may be noticed that no remission of personal transplantation was granted, if only for the simple reason that there is no mention of personal transplantation in any part of the Act. Proprietors of land were to exchange the possessions left to them for estates in some distant part of the country, but were under no obligation to reside on their new property. In the second place, a landless man, whose stock of money and goods did not reach 10*l.* in value was just as liable to be hanged, if he had assisted the fighting men during the first year of the rebellion, or at any later stage had joined the Tories in killing a single Englishman, as if he had counted his acres by the thousand. Only acts done in prosecution of the war having been mentioned, those alone profited by the clause who, having either been too young in 1641 to be mixed up in the troubles of the first year, or kept themselves singularly aloof from the early troubles, had since taken arms in the regular forces under the Irish leaders. As the great majority

of these men elected to emigrate, only a very few can have benefited by this clause, and even those who did gained no more advantage by it than permission to keep the whole of their petty savings; whereas if they had possessed landed property even below the value of 10*l.*, they would have forfeited two-thirds of their estates. It is but a small residuum of the beneficence lavishly attributed by English writers to the framers of this clause.[1]

April 17. A meeting at Kilkenny.

Immediate interest, however, centred on the question how far the authorities in Ireland would be prepared to carry out the sweeping death sentence pronounced by Parliament. On April 17, some months before the passing of the Act of Settlement, there had been a meeting of officers and civilians at Kilkenny. Irritated by recent military failures, the conference piously concluded that God was for some reason offended with their conduct. "Which," reported the commissioners, "with the sense we have of the blood-guiltiness of this people in a time of peace doth—through dread of the Lord only, we trust—occasion much remorse for particular weaknesses past, in most minds here concerning some treaties which are liable to be attended with sparing when He is pursuing.[2] . . . And whilst we were in debate thereof, and of our dealing with those who yet continue in rebellion, an abstract of some particular murders was produced by the Scoutmaster-General, who hath the original examinations of them more at large. . . . So deeply were all affected with the barbarous wickedness of the actions in these cruel murders

[1] *Scobell*, ii. 197.

[2] *I.e.* negotiations then in progress for the surrender and transportation of Irish soldiers which might lead to sparing the Irish when God was pursuing them with the purpose of destroying them.

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and massacres, being so publicly in most places committed, that we are much afraid our behaviour towards this people may never sufficiently avenge the same; and fearing that others who are at greater distance may be moved to the lenity [to which] we have found no small temptation in ourselves;—and we not knowing but that the Parliament might shortly be in pursuance of a speedy settlement of this nation, and therefore some tender concessions might be concluded through your being unacquainted with those abominations, we have caused this enclosed abstract to be transcribed and made fit for your view."[1]

Effect of its representations.

It may well be that the harshness of the Act of Settlement was in the main due to these representations. That the massacre of 1641 cried aloud for punishment, if not for vengeance, was the settled belief of every Englishman who had any connection, official or unofficial, with Ireland. Yet, when the call for repressive action was once reduced into a judicial channel, it soon lost its exaggeration. A High Court of Justice was erected for the trial of murderers. During the two years in which it remained in existence murderers and accessories to murder were sentenced by it—not those who had aided the rebels in their earliest warlike operations. English judges, once seated on the Bench, were steadied in the exercise of their functions, and every latitude was given to prisoners to plead their cause, and to produce witnesses in their favour. Though hearsay evidence was, according to the custom of the times, freely admitted, there is no reason to suppose that intentional injustice was inflicted. There was no browbeating of the accused, and there were at least

1652–54. A High Court of Justice.

[1] The Commissioners to Parliament, May 5, *Irish R.O.*, $\frac{A}{50}$ 50, p. 69; Abstract of depositions, *ib.* p. 71.

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as many acquittals as might be expected in proportion to the numbers tried.[1]

1652

When, at the beginning of September, Fleetwood arrived as Commander-in-Chief, with a seat amongst the commissioners, it might be supposed that something would be done to put the Act of Settlement in force. Yet, except that on October 11 an order was given for its proclamation in every precinct in Ireland,[2] no attempt was made to translate the verbal cruelties of Parliament into action. Notice, indeed, was taken that the Act had proved defective in one important respect. A body of commissioners despatched north to arrange for the settlement of Ulster appear to have perceived that it would be impossible to deduct the fifth part of the lands owned by the Scots of Down and Antrim so long as the old proprietors were fixed in their old homes. They therefore proposed 'the transplantation of popular men . . . of whose dutiful and peaceable demeanours' they 'had no assurance.' The idea was welcomed by the commissioners, who on July 13 issued orders for the transplantation of Scottish landowners to the south of Ireland. It was a mere act of executive authority, based upon no legal foundation whatever.[3]

Fleetwood arrives as a commissioner.

Oct. 11. Order to proclaim the Act.

1653. April 9. Personal transplantation proposed.

July 13. Order for transplanting Scots.

[1] Judge Lowther's notes of some of these trials are in the library of Trinity College, Dublin, under the press-mark F, 4, 16. Miss Hickson has published a few in *Ireland in the Seventeenth Century*, ii. 171–239. The issue of the Commission for the erection of the court is mentioned in a letter from the Commissioners to Reynolds, Dec. 17, *Irish R.O.*, $\frac{A}{90}$ 50, p. 372. On Jan. 15, 1653, fifty-four persons had been condemned, most of them being considerable men, *ib.* p. 397.

[2] Order by the Commissioners, Oct. 11, *Prendergast*, 96.

[3] The Commissioners to the Ulster Commissioners [Apr. 13]; The Ulster Commissioners to the Commissioners, Apr. 24; Order by the Commissioners, July 13, *Irish R.O.*, $\frac{A}{90}$ 50, pp. 478, 489; $\frac{A}{84}$ 44, p. 84.

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1653

Spread of the idea of transplantation.

Before this order had been issued the idea of personal transplantation had taken root in England, doubtless in consequence of the unwillingness of the Adventurers to take up lands hampered with the presence of the old proprietors. The government of England was now in stronger hands than those of the Long Parliament, Cromwell having entered in April upon his temporary dictatorship. He was not the man to be content with touching the mere fringe of a great problem, and before laying down his authority upon the meeting of the Nominated Parliament he sketched out with a vigorous hand the policy to be pursued in Ireland. According to the Act passed in 1642 the Adventurers were to receive land scattered over the four provinces, but Cromwell, collecting, as may be believed, the unanimous opinions of the Adventurers themselves, decided that no settlement was possible unless the English colonists were in some way relieved from the dangerous presence of their dispossessed predecessors.

Large numbers of Englishmen to be provided for.

The difficulty of providing secure homes for those Englishmen who were now invited, either as Adventurers or as soldiers, to take up their abode in Ireland was the greater because those of the latter class were now found to be far more numerous than had been expected in the preceding year, when it had been imagined[1] that adequate provision might be made for their needs by setting apart for them a certain number of acres in the immediate neighbourhood of the posts which they would continue to guard. The cost of the subjugation of Ireland had been, and was still, enormous, no less than 3,509,396*l.* being spent on it between July 6, 1649, and November 1, 1656. Of this sum as much as 1,942,548*l.* had been

Cost of the conquest of Ireland.

[1] See p. 298.

wrung from starving and devastated Ireland, leaving 1,566,848*l.* as a burden on the English Treasury.[1] No wonder there was an outcry in England for a reduction of expense, practicable by no other means than the disbandment of soldiers whose just demands could only be satisfied by the offer of land in lieu of the money due for their arrears. As for the Irish, the very self-interest of the conquerors called for a change of the cruel system actually in practice, which nothing but military necessity could even palliate. "The tax," wrote one who had good opportunity of learning the truth concerning the misery of the Irish, "sweeps away their whole substance; necessity makes them turn thieves and Tories; and then they are prosecuted with fire and sword for being so. If they discover not Tories, the English hang them; if they do, the Irish kill them; against whom they have nothing to defend themselves, nor any other that can:—nay, if any person melted with the bowels of a man, or moved by the rules of common equity, labour to bring home to them that little mercy which the State allows, there are some ready to asperse them as favourers of Tories, coverers of bloodguiltiness; and, briefly, in a probable computation, five parts of six of the whole nation are destroyed; and after so sharp an execution, is it not time to sound a retreat?"[2]

Enormous taxation.

Misery of the Irish.

Ireland, indeed, after the close of the war was in a condition to call for peaceful labour. The greater part of the country was lying waste and desolate.

Desolation of the country.

[1] Note by Mr. Firth in *Hist. Rev.* (Jan. 1899) xiv. 105.

[2] Statistical accuracy is not to be expected from Gookin, the writer of this anonymous work. See *infra*, p. 320. Petty, whose authority in such matters is far higher, calculates that one-third of the Irish 'perished by the sword, plague, famine, hardship, and banishment.' Petty's *Political Anatomy of Ireland* (ed. 1719), p. 19.

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"Frequently," we are told on the authority of the commissioners themselves, "some are found feeding on carrion and weeds, some starved in the highways, and many times poor children who lost their parents, or have been deserted by them, are found exposed to, and some of them fed upon by, ravening wolves and other beasts and birds of prey."[1] The devastation caused by wolves was so great as to call forth public action. In April 1652 the emigrants were prohibited from carrying their wolf-dogs to the Continent. In November a certain Richard Toole was authorised to kill wolves in the counties of Kildare, Wicklow, and Dublin; and in June 1653 orders were issued to the Commissioners of Revenue in every precinct[2] to offer rewards for the destruction of the noxious beasts.[3]

Wolves to be destroyed.

Yet it was to little purpose to destroy wolves unless the blind forces of Nature could be replaced by the protective amenities of civilised life. Whether it would have been feasible to re-establish in their homes what remained of the Irish people, with the expectation that—even if no English colonists were set down amongst them—they would be content to submit for the future to English government, may reasonably be doubted. The rivers of blood that had been shed, and still more the contumely which Englishmen had poured upon Irish thought and Irish habits, stood in the way of such a consummation. Cromwell, at all events, was but in accordance with the unanimous opinion of his countrymen in believing that if Ireland was to be

The land to be inhabited.

Cromwell faces the problem.

[1] *Prendergast*, 307, note 1.

[2] Ireland was at this time divided for military and official purposes into fifteen precincts.

[3] *Prendergast*, 309-311. Orders of the Commissioners, Apr. 27, 1652, June 29, 1653, *Irish R.O.*, $\frac{A}{82}$ 42, p. 202; $\frac{A}{84}$ 44, p. 255.

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brought within the pale of civilisation, it must be by English hands and brains. How eager he was to proceed rapidly with the work is shown by the fact that, whilst he left over every problem relating to England to the decision of the Nominated Parliament, he took the case of Ireland in hand during the last month of his own temporary dictatorship. It is true that the settlement thus launched upon the world had little in it that was new, except the resolute energy of a man determined to enforce his behests. On June 1, in co-operation with his improvised Council, Cromwell appointed a Committee to examine the claims of the Adventurers, and to preside over a lottery which should decide, first, in which of the three provinces of Munster, Leinster, or Ulster, their share should fall, and, secondly, to assign those shares in one or other of ten counties specified in those provinces. Negatively, at least, this provision indicated that Cromwell had made up his mind that Connaught was to be the part of Ireland assigned in the Act of Settlement for division amongst the proprietors whose estates had been forfeited elsewhere; whilst the restriction of the allotment to certain counties was a concession to the desire of the colonists that their shares of land might be as near as possible to one another.[1]

A Cromwellian settlement.

June 1. A Committee to examine the Adventurers' claims, and to hold a lottery.

By the army in Ireland the case of the soldiers was held to be even more pressing than that of the Adventurers, as a disbandment of considerable numbers was now imminent. On June 9, a meeting of officers held at Dublin asked that the soldiers whose services were no longer needed should at once be put in possession of land estimated as equivalent to their arrears. If, when a survey was completed, it

June 9. A meeting of officers in Dublin.

[1] *Scobell*, ii. 250.

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was found that any man had received too little, the deficiency was to be made good; if he had received too much, he was to be allowed to purchase the surplus at the rates laid down in the Act of 1642, namely, an acre in Ulster for 4*s*., in Munster for 8*s*., and in Leinster for 12*s*. On this advice Cromwell acted. A new commission was issued to Fleetwood, Ludlow, Corbet, and Jones,[1] as governors of Ireland, accompanied by instructions to appoint surveyors to take a survey of the forfeited lands in the ten counties set apart for plantation—Waterford, Limerick, Tipperary, Queen's and King's counties, Meath, Westmeath, Armagh, Down, and Antrim—dividing them by baronies into two equal parts—the one to go to the Adventurers, the other to the soldiers. In the meanwhile, 'that the Adventurers, soldiers, and officers should be satisfied, and Ireland planted with as much expedition as may be,' a gross, that is to say a rough, survey was to be taken, in order that the persons interested might receive provisional allotments. When this survey was completed, complaints of persons alleging that their land had been unduly described as forfeited were to be examined. The county of Louth, apparently intended to supplement deficiency, was also to be surveyed; and, finally, the commissioners were empowered to select five other counties—other than those of Dublin, Kildare, Carlow, or Cork—on which to settle disbanded soldiers temporarily till permanent allotments could be assigned to them.[2]

June 22. A commission with instructions.

The needs of the settlers having been thus attended to, additional instructions were issued on July 2 to clear their path from the hampering

July 2. Instructions for transplantation.

[1] Weaver's name had been removed before the dissolution of the Long Parliament.

[2] Commission and Instructions, *Scobell*, ii. 255.

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presence of the old proprietors. The idea of personal transplantation which had occurred to the Ulster Commissioners[1] now received a development which they had little contemplated. It was announced that Connaught and Clare were to be the districts to which all who were allowed favour and mercy by the Act of Settlement were to be personally transplanted, and that this transplantation was to be carried out by May 1, 1654, on pain of death, thus reading into the Act an injunction and a date which were not found within its four corners. Persons so transplanted were to receive from commissioners appointed for the purpose lands in such proportion to the value of their original property as was set forth in the Act of Settlement, and they 'or others' might take leases, on terms not exceeding twenty-one years, or three lives, under the Commonwealth. These words, 'or others,' are the only indication in these instructions that any one not a landowner or leaseholder was thought of as joining the transplanters; and as the condition as to the length of lease precludes the idea that the presence of mere peasants was contemplated, it may fairly be set down as referring to younger sons of transplanters or to leaseholders voluntarily accompanying them. The whole gist of these instructions shows them to apply to landed men, who were required to make way for the new settlers. The Act of the Nominated Parliament for the satisfaction of the Adventurers and soldiers, passed on September 26, regulating the details of the scheme of colonisation, gave the force of law to the commission and instructions issued by Cromwell on the subject of

Sept. 26. The Act of Satisfaction.

[1] See *supra*, p. 305.

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the Irish settlement. It was also enacted[1] that, in the event of the ten counties proving insufficient, the Adventurers were to be satisfied in four out of the five baronies of Louth, the soldiers out of other counties to be selected by the commissioners. The further needs of those immediately disbanded were to be met, not, as Cromwell had formerly suggested, by a provisional grant, but by permanent assignments in the remaining barony of Louth and in certain districts in the counties of Cork and Fermanagh. These military settlers were also to occupy a circuit of one mile round the town of Sligo, as well as a belt of land, not more than four miles in breadth, round Connaught and Clare, thus cutting the transplanters off from the hope of receiving relief by sea.[2]

Cromwell insufficiently acquainted with the Irish problem.

That this Act was passed at Cromwell's instigation hardly admits of a doubt; and its evidence is conclusive that he had not sufficient acquaintance with the Irish problem to treat it as a whole, even from the English point of view. The commissioners, present on the spot, knew well the importance of the question raised by the fact that the High Court of Justice had only condemned a few—perhaps two or three hundred of notorious malefactors—out of the thousands sentenced to death by the Act of Settlement. The problem of the fate to be meted out to tenants at will or labourers who had made themselves liable to death according to that Act, either by giving support to the insurgents in the first year of the war, or by killing an Englishman without being themselves enlisted in the regular forces at a later stage, was a pressing one in Ireland, especially as there was a large party among the officers who called

[1] Further instructions, *Scobell*, ii. 257.
[2] *Ib.* ii. 240.

IRELAND
As divided by the Act of Satisfaction.
Septr 26th 1653.
Baronies in the ten counties to be allotted to the Adventurers
allotted to the soldiers for service
in Ireland since June 5th 1649.
Baronies to be allotted to the Adventurers if the amount of
land in the ten counties is insufficient.
Baronies to be allotted to disbanded soldiers together with
a strip of land round the sea coast not more than 4
miles in breadth if the amount of land in the ten counties
is insufficient.
Baronies in four counties reserved for the governours
Baronies for maimed soldiers & poor widows of soldiers
Counties in which lands were allotted to
a. Soldiers for service in Ireland since June 5th 1649 & for
previous service in England if the other lands allotted
are insufficient
b. Soldiers for service in Ireland before June 5th 1649.
c. Creditors who furnished supplies to the army.
Counties assigned to the Irish.
NB The colouring of counties or baronies does not imply that the
whole area is granted, but only so much of it as had been forfeited.
North Channel
Malin Hd
Lough Foyle
Inishowen
Binevenagh
Moville
Ballycastle
Fair Hd
Coleraine
Ballykelly
Londonderry
LONDONDERRY
ANTRIM
Bunmore Port
Carrickfergus
Belfast
Newtownards
Lough Erne
Donegal Bay
Donegal
Ballyshannon
Lough Erne
Dungannon
TYRONE
ULSTER
Benburb
Portadown
DOWN
Downpatrick
Dundrum B
FERMANAGH
Enniskillen
Upper Lough Erne
Monaghan
Clones
ARMAGH
Newry
Erris Hd
Killala Bay
Sligo Bay
Sligo
Manor Hamilton
SLIGO
New Town
MONAHAN
Castle Blaney
CAVAN
Cavan
Blacksod Bay
Lough Conn
Achill I
MAYO
Clew Bay
Boyle
Ballyshannon
Virginia
Dundalk
Carlingford Lough
Dundalk Bay
ROSCOMMON
Elphin
CONNAUGHT
LONGFORD
Longford
Kells
MEATH
Ardnurcher
Castlecoote
Roscommon
Lough Ree
WESTMEATH
Athlone
Tullamore
Edenderry
Slane
Drogheda
Galway Bay
Galway
Athenry
Loughrea
KINGS COUNTY
KILDARE
Kildare
LEINSTER
Portumna
Lough Derg
Borrisokane
QUEENS COUNTY
WICKLOW
Wicklow
Wicklow Hd
Killaloe
CLARE
Ennis
Lake Derg
Nenagh
Templemore
Thurles
Tipperary
Kilkenny
Callan
Carlow
CARLOW
Gowran
Enniscorthy
Loop Hd
R. Shannon
Limerick
LIMERICK
Castletown
Tralee Bay
Tralee
Killarney
Mitchelstown
Fermoy
Youghal
Youghal Bay
Dingle Bay
Dingle
Killorglin
Cork
Cork Harbour
Kinsale
Old Ross
New Ross
Waterford
Waterford Hr
Dungarvan
Dungarvan Bay
Helvick Hd
Ardmore Bay
Ardmore
Tramore
Tramore Bay
Dunmore Hd
Hook Hd
Passage Hr
Bantry Bay
Bantry
Mizen Hd
Crookhaven
Clear I
Clear C
Longitude West from Greenwich
Longmans, Green & Co. London, New York & Bombay.

for an entire, or nearly entire, clearance of the land, that it might be handed over to English and other Protestants free from molestation by the older inhabitants. With this party Fleetwood sympathised, and when, on October 14, the commissioners issued a Declaration[1] that the Acts would be put in execution, they solved the problem in their own way by transferring to the ranks of the transplanters not merely those who had aided and abetted the rebellion in its first year, but even those who had been concerned as assistants in the first year of the insurrection, though it had not been thought expedient to send them for trial before the High Court of Justice. A second category was formed of those who had borne arms since the end of the first year, and a third of those whom the transplantation scheme was mainly, if not entirely, intended to affect—persons having an interest in land as proprietors or leaseholding tenants[2]—together with their families, and others who might willingly accompany them.

Oct. 14. Declaration by the commissioners.

If these orders had been carried out literally, Connaught and Clare would have been too small for the multitude which would have been driven across the border.[3] The very wording of the

Irresolution of the commissioners.

[1] Reprinted, from a unique copy in the possession of the Marquis of Ormonde, in *Hist. Rev.* (Oct. 1899) xiv. 710.

[2] It was determined on the Instruction of July 2, confirmed by the Act of Satisfaction, that only leaseholders were to be regarded as tenants, *Hist. Rev.* (Oct. 1899) xiv. 716.

[3] Of the examinations to prove delinquency, only those relating to the precinct of Athlone have reached us (*Irish R.O.*, $\frac{A}{23}$ 30). Selecting the first and last twenty cases, we find that of forty persons, eleven were dead or had gone beyond sea, and that four only had taken the English side. There remain twenty-five, of whom eighteen would have been liable to be hanged by the Act of Settlement, and seven only would have escaped with partial forfeiture of property. By the Declaration

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Declaration, however, carries conviction that its authors were very imperfectly aware of the effect of their language. On the one hand, they speak of Connaught and Clare as being set apart for the habitation of the Irish nation. On the other hand, they content themselves with directing that certain lands which cannot have been very extensive shall be leased out to such of the newcomers as are not proprietors.[1] When they descend to detail, they are mainly concerned with persons belonging to the landowning class. It is these who are, before January 30, 1654, to announce their claims to the authorities of their precinct and to receive certificates describing the physical peculiarities of those who are to accompany them. It is these who were to hasten to Loughrea by January 30 to secure a provisional assignment of lands in proportion to the stock of corn or cattle they owned, and who were to be busy during the spring months in preparing habitations for those who were to follow them by May 1, a date which, as it corresponded to the 11th in the reformed calendar, would be far enough on the way towards summer to make travel less difficult than it would have been at an earlier season. In other respects the sentence could scarcely have been harsher. The cruelty of this Declaration has been sufficiently descanted on. What is hardly less astonishing is that the crime should have been contemplated, in a fit of thoughtlessness, by men who did not give themselves the

of Oct. 14, 1653, the whole of the twenty-five would have been liable to transplantation. No doubt only proprietors and leaseholders appeared at Athlone, and we are left to conjecture as to the men who, being tenants at will or labourers, joined in murders, or had assisted murderers, in the first year, or had borne arms subsequently. But their numbers must have been enormous.

[1] These may be those willingly accompanying the proprietors, leaving not much room for the landless men-in-arms, murderers, &c.

trouble to ascertain whether they were banishing a nation, or only a selected few.

A general transplantation feared.

To the victims the meaning of the Declaration was clear enough. If it was not the entire Irish nation, it was at least a very large majority of it, that was to be crowded into a rocky and inhospitable district, in which it would be impossible to find adequate sustenance. The belief in a general transplantation spread widely. On one estate owned by an Englishman in Munster, the tenants refused to plough or sow till the agent vowed that they at least should be secured against the fate they dreaded.[1] Others bowed before stern necessity, and in crowds gave in their names to accompany the proprietor of the forfeited estate on which they had lived.[2] Yet, when the appointed time arrived, few presented themselves before the commissioners sitting at Loughrea to deal out lands beyond the Shannon provisionally in proportion to the stock of corn and cattle owned. Even in Dublin doubts were expressed whether numbers so large could be compelled to shift their homes. "By the last orders touching transplantation," we are told in February, "it is not intended that any should be sent into Connaught but proprietors and soldiers. The rest stay."[3] Hesitation at headquarters was naturally followed by floods of petitions asking for dispensation, and by an almost universal neglect to comply with the orders of the Government.

1654. Jan. Large numbers of certificates.

Few actually remove.

Feb. 6. Doubts as to the possibility of carrying out the order.

On May 1, the day by which all transplantable persons were to have crossed the Shannon, it appeared

May 1. Few present themselves in Connaught.

[1] Dobbins to Percival, Jan. 24, *Egmont MSS.*

[2] In Limerick precinct 339 proprietors received certificates to transplant, on which were noted the names of 3,048 followers—wives, children, tenants, and servants.

[3] Percival to Capt. Gething, Feb. 6, *Egmont MSS.*

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that certificates had been lodged at Loughrea by 1,589 heads of families on behalf of 43,308 persons.[1] It does not follow that those named in the certificates departed at once, or that all of them moved forward at any subsequent time. Petitions claiming exemption poured in, and the Government, to gain time to examine them, granted temporary dispensations in many cases, but allowed to very few a complete suspension of the order for transplantation. It was still more difficult to deal with the mass, which met the declarations of the will of the Government with sheer inertia. On July 31 the commissioners commuted to transportation to Barbados the death sentence pronounced on one Peter Bath for refusing to transplant. On the other hand, they attempted to make the way easy for the transplanters by insisting that servants left to gather in the crops already planted should not be deprived of a lodging by the new claimants, who were already forcing their way into possession.[2] The result was, however, little or nothing—the transplantation remaining at a standstill during the greater part of 1654. The condition of the country into which the transplanters were required to remove was far from attractive. In Clare, out of 1,300 ploughlands, only forty were inhabited,[3] the remainder being rocky and uncultivated. Connaught had been devastated by both parties, and, where the Irish inhabitants remained in possession, they resented the order to remove to other parts of the

Temporary dispensations granted.

[1] Between May 1 and the end of July only 36 certificates, covering 902 persons, were handed in. Hardinge, Circumstances attending the War, *Trans. of the Roy. Irish Academy* (Antiquities), xxiv. 186.

[2] The Commissioners to the Commissioners of Revenue, May 26, *Irish R.O.*, $\frac{A}{65}$ 45, p. 702.

[3] Grievances of the inhabitants of Clare, *Irish R.O.*, $\frac{A}{84}$ 44, p. 205.

province to make way even for persons of their own race.[1]

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Meanwhile the lot of those who craved a mitigation of their sentences depended to some extent on political developments in England. Before the end of 1653 Oliver had assumed the Protectorate, and in consequence of rumours calling in question the fidelity of the army, and even of the Government in Ireland, one of his first acts was to despatch his son Henry to examine the position.[2] Such an enquiry was the more needed as there were rumours that the Baptists—strong not only in numbers among the officers, but also in the adhesion of Fleetwood—intended to join the Feakes and the Powells in repudiating the Protectorate. On both these heads Henry Cromwell was able to bring back satisfactory assurances,[3] and in August Oliver felt himself able to carry out a scheme which he had for some time contemplated, in appointing Fleetwood Lord Deputy with a Council limiting him in the same way as Oliver was himself limited by the Council in England.[4] The question of the policy to be pursued in Ireland was far more dubious than the selection of the person of the Governor; though all that is known about the discussions in the Council at Westminster is that Lambert on one occasion casually referred to transplantation or not-transplantation as an issue on which no decision had yet been taken.[5] The

Ireland and the Protectorate.

Henry Cromwell's mission.

Aug. Fleetwood Lord Deputy.

The question of transplantation discussed at Westminster.

[1] Hardinge on Surveys in Ireland, p. 34, in '*Transactions of the Roy. Irish Academy* (Antiquities), vol. xxiv.

[2] See Vol. ii. 307.

[3] Cromwell to Thurloe, March 8; Lloyd to Thurloe, March 13, *Thurloe*, ii. 149, 162.

[4] Order for the Dissolution of the Board of Commissioners, Aug. 22, *Irish R.O.*, $\frac{A}{27}$ 25, p. 28.

[5] *Clarke Papers*, iii. 207.

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probability is that Oliver's good sense perceived that the general transplantation decreed by the Declaration of October 14, 1653, was absolutely impracticable, but that, as his manner was, he hesitated long before coming to a decision. At last, on August 17, a clause in Fleetwood's instructions gave him and his Council power to dispense with the orders of the late Parliament or Council of State relating to transplantation, so far as they judged fit for the public service.[1] At the same time there was a talk of sending Henry Cromwell to Ireland to command the forces in Ludlow's place,[2] and there could be no doubt that his voice would be raised in the Irish Council on the side of moderation.

Power of dispensation granted to Fleetwood.

Such a solution of the difficulty, if loyally carried out in Dublin, would probably have saved the situation, at least for the time. Dispensations for the mass of the peasantry, and for the more inoffensive of the proprietors of land, would have left Connaught and Clare as a residence for the more pronounced enemies of England. Henry Cromwell, however, remained at Westminster, and neither Fleetwood nor his Council was in a mood to act on the powers conferred upon them. Fleetwood was himself embittered against the Irish race, and had too little strength of character to shake off the influence of his military surroundings. "The truth is," he

Fleetwood unwilling to take advantage of it.

[1] Instructions to the Lord Deputy and Council, Aug. 17, *Irish R.O.* $\frac{A}{27}$ 25, p. 38. A month earlier a well-informed person wrote from London: "I apprehend great mischief likely to accompany this transplantation, not only to Carrig in particular, but also to all the rest of our estate in general. . . . When our new Council goes over—which, it is said, will be suddenly—I believe they will give some stop to the transplantation, it being one of their instructions to moderate it as they shall think fit." Percival to Gething, July 19, *Egmont MSS.*

[2] Percival to Gething, Aug. 1, *ib.*

had written to Thurloe in June, "these people are an abominable, false, cunning, and perfidious people, and the best of them to be pitied, but not to be trusted."[1] He was in the same frame of mind in November. "We are endeavouring," he and his Council informed the Protector, "to carry on the work of transplanting the Irish proprietors and such as have been in arms."[2] It was by a mere slip of the pen that the abettors of rebellion did not reappear in this letter. In a Declaration issued on November 30,[3] ordering that the transplantation shall be completed by March 1, 1655, this class of persons is included with the other two. Yet it was necessarily with proprietors, whose estates were required for the new settlers, that the Irish Government was principally concerned, and when, on December 28, a new body of commissioners was directed to sit at Athlone[4] to examine into the character of the delinquency of those who claimed lands beyond the Shannon, it was only with persons having interest in land that they were called on to deal. Indirectly, this commission might be read as an intimation that the transplantation of other than landed men was either dropped or postponed, but no public announcement was made to that effect. So far as the proprietors were concerned the Declaration of November 30 was treated as decisive. There was to be no more hanging back in hope of better terms. "The transplantation," writes the Dublin correspondent of a

Nov. 30. Transplantation to be completed by March.

Dec. 28. Commissioners at Athlone.

The transplantation of proprietors carried out in earnest.

[1] Fleetwood to Thurloe, June 2, *Thurloe*, ii. 343.

[2] The Deputy and Council to the Protector, Nov. 14, *Irish R.O.*, $\frac{A}{30}$ 28, p. 13.

[3] This Declaration has not been preserved, but its contents are recited in a later one—*Order by the Lord Deputy and Council*, Feb. 27, B.M. press-mark, 806, i. 14, No. 12.

[4] Commission, Dec. 28, *Irish R.O.*, $\frac{A}{26}$ 24, p. 33.

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London newspaper, "is now far advanced, the men being gone for to prepare their new habitations in Connaught. Their wives and children and dependents have been, and are, packing away after them apace, and all are to be gone by the first of March next."[1] The emigration, however, was far from complete, even amongst the landowners. Large numbers still held back, and there was some expectation of securing better terms from the Parliament then in session at Westminster.[2] On the other hand, there was a strong opinion amongst the military party that the Government ought to effect a far more general clearance, and this view of the case was expressed in a petition comparing the Irish to the Midianites, whose very neighbourhood was corrupting to the people of God—which was not, indeed, presented to Fleetwood till March, but which must have been circulated for signature some time before.[3]

Gookin pleads for moderation.

Whilst the policy of the Government was still doubtful a champion of the moderate party appeared in Vincent Gookin.[4] Gookin, who had sat in the Nominated Parliament as one of the six members for Ireland, was the probable author of the clause giving power to the Dublin Government to dispense with transplantation,[5] which had hitherto produced little effect at Dublin. Towards the end of June he returned to Ireland, and during his visit there he seems to have discussed the transplantation with Dr. Petty, a man of varied ability, who,

Gookin and Petty.

[1] *Merc. Pol.*, E, 823, 5.

[2] This is stated by Lawrence in *The Interest of England*, E, 829, 17.

[3] The petition is printed in the *Hist. Rev.* (Oct. 1899) xiv. 723.

[4] He was a *persona grata* with the Protector, *ib.* p. 720, note 35.

[5] See *supra*, p. 318.

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as physician-general of the army in Ireland, had effected a series of far-reaching reforms. Petty, though he is not to be classed among the enemies of English rule, was no admirer of the drastic measures adopted in Ireland. He was, however, by no means inclined to endanger his own prospects by opposition to the Government, and though he seems to have provided Gookin with a few pages of argument directed against general transplantation, he preserved a discreet silence on his authorship, and doubtless enjoined a similar reticence on his friend.[1] Gookin, coming back to England to take his seat for Cork and Bandon in the first Parliament of the Protectorate, incorporated Petty's argument with some fiery exhortations of his own, and issued the whole anonymously, on January 3, 1655, under the title of *The Great Case of Transplantation.*

1655. Jan 3. *The Great Case of Transplantation.*

Accepting the removal of the landed proprietors as needful for the new English settlement, Gookin dwelt upon the good qualities of less exalted Irishmen. English labour, he argued, would never be available to any appreciable extent in Ireland, and, if the settlers were to avoid ruin, they must content themselves with the service of the natives.

Gookin's view of Irish character,

and of the need of the employment of Irish.

"The first and chiefest necessaries," he wrote, "are those natural riches of food, apparel and habitations. If the first be regarded, there are few of the Irish commonalty but are skilled in hus-

[1] On Petty's part in Gookin's tract see Lord E. Fitzmaurice's *Life of Petty*, 32, note 3, and *Hist. Rev.* (Oct. 1899) xiv. 721. In after-years, at least, Petty was a Unionist of the most pronounced type. He advised that all the marriageable young women of Irish birth, 20,000 in number, as he reckoned, should be transported to England, to become the wives of Englishmen, and that the same number of English girls should be brought to Ireland, to be the wives of Irishmen, and to indoctrinate their children with English ideas. *Political Anatomy of Ireland* (ed. 1691), p. 30.

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bandry, and more exact than any English in the husbandry proper to that country. If the second, there are few of the women but are skilful in dressing hemp and flax, and making of linen and woollen cloth. If the third, it is believed to every hundred men there are five or six masons or carpenters, at least, of that nation, and these more handy and ready in building ordinary houses and much more prudent in supplying the defect of instruments and materials, than English artificers."[1] Yet, if the bulk of the Irish population was to be retained as tenants and servants of the English settlers, how was the difficulty raised by the military party to be met? With what feeling of confidence could the settlers establish themselves in their new homes, amidst an Irish population far outnumbering their own families, and alienated from them by every sentiment by which human action is governed? Gookin met these questions in that spirit of unfounded optimism which marred his usefulness as a political adviser. The Irish, he argued, deprived of their priests and of their landlords, would readily accept the religion and habits of their conquerors.[2]

His expectation of the conversion of the Irish.

Feb. 7. Fleetwood's opinion of Gookin.

At Dublin these sanguine hopes found but little echo. "There is" wrote Fleetwood, "a very strange, scandalous book, *Arguments against Transplantation*,[3] that is now come forth, which doth very falsely and unworthily asperse those that did and now do serve the State here. The person who is said to write this will, I doubt, as much deceive your estimation in England as he hath been disingenuous to us here, who

[1] *The Great Case of Transplantation*, p. 17, E, 234, 6.

[2] *Ib.* pp. 18–20.

[3] Fleetwood cannot have studied it very deeply, or he would have given the title more correctly.

have been ready on all occasions to show respect to him; but those who know him better than I do have, before this time, bespoken what manner of spirit he was of, which I, in too much charity, did hope had been otherwise. It will be a great discouragement to the State's servants if such may be allowed their liberty to traduce them."[1] The indignation, which Fleetwood shared with his military advisers, found a voice not only in the petition demanding a universal transplantation, which was presented to him about the middle of March,[2] but also in a pamphlet published in London on the 9th of the same month, under the title of *The Interest of England in the Irish Transplantation*. This pamphlet, written by Colonel Richard Lawrence, a brother of the President of the Council, and himself a member of several Committees upon which the work of transplantation devolved in Ireland, is notable as giving away the case of those whom Gookin attacked, by maintaining that that writer was in the wrong in charging the Dublin Government with having even contemplated a general transplantation. The orders given, he alleged, had referred to no more than the removal of proprietors and men who had been in arms. The proprietors, he asserted, were not 'near the twentieth part of the people of Ireland,' whilst the greater number of those who had borne arms had been sent abroad; 'so that, though it be hard to determine the number of these two sorts of persons, yet any man that knows the state of Ireland must acknowledge they are probably so inconsiderable that they will not be missed or discerned as to their numbers from whence they remove.'[3] The attempt

March. Petition for a universal transplantation.

March 9. Lawrence's pamphlet.

[1] Fleetwood to Thurloe, Feb. 7, *Thurloe*, iii. 139.

[2] See *supra*, p. 320.

[3] *The Interest of England*, p. 17, E, 829; F, 17.

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to include the numbers who had borne arms but had laid them aside before the final surrender, as well as the far greater numbers who had aided or abetted the rebellion in its beginnings, was thus tacitly dropped by the mouthpiece of the Irish Government; and Gookin could but reply in *The Author and Case of Transplanting . . . Vindicated*, that whatever might be the intentions of the Irish Government, its public declarations embraced a more sweeping system of transplantation, and that there was nothing to prevent them from stepping on some future occasion beyond the limits which, according to Lawrence, they had imposed on themselves for the present.[1]

May 12. Gookin's reply.

The policy of the Government with respect to transplantation was necessarily affected by the progress made with the new settlement. So far, indeed, as landed men were concerned, the increasing necessity of disbandment placed their sentence beyond recall. In the summer of 1652 the strength of the army was 34,128, exclusive of commissioned officers.[2] Towards the end of 1654 the Deputy and Council gave their opinion that the garrison of Ireland could not, consistently with safety, be reduced below 15,600.[3] Some small numbers, indeed, had been disbanded in 1653; but it was not a moment too soon to complete the work, as Parliament was at this time crying out for a diminution of military expenses in all the three countries, and the revenue of Ireland was no more than 197,000*l.*, against an expenditure of 630,814*l.*, thus leaving a deficit of

Necessity of disbandment.

1652–54. Strength of the army.

Financial difficulties.

[1] *The Author and Case of Transplanting*, published on May 12. E, 638, 7.

[2] Statement by the Commissioners, Aug. 11, 1652, *Irish R.O.*, $\frac{A}{50}$ 50, p. 215.

[3] The Deputy and Council to the Protector, Nov. 14, 1654, *ib.* $\frac{A}{50}$ 28, p. 14.

433,814*l.* Of the expenditure incurred, no less than 523,842*l.* was needed on account of the army.[1]

Under these circumstances the Irish Government had been diligently preparing for the assignment of land to disbanded soldiers. In August 1653 the Surveyor-General, Benjamin Worsley, was directed to make a gross survey—or, as it would now be styled, a rough survey of the forfeited estates. Profitable lands were to be set forth, with their acreage and boundaries; unprofitable lands to be mentioned but not measured. Such, at least, had been the scheme adopted in the instructions embodied in the Act of Satisfaction.[2] So far as can be conjectured by the result, even less precise instructions were given in Dublin, as it seems, from the few returns preserved, that Worsley and his subordinates contented themselves with setting down the estimated acreage of the land, as well as the rent due from it at the time and also in 1641, together with its estimated value at the outbreak of the rebellion.[3]

Aug. A gross survey ordered

The survey had not proceeded far when the commissioners who at that time governed Ireland were startled by a suggestion that the forfeited land would be insufficient. According to existing Acts the grant of an acre would cancel a debt of 12*s.* in Leinster, of 8*s.* in Munster, and of 4*s.* in Ulster. It was calculated that the acreage of forfeited lands was 2,697,000, and that, after setting aside 565,000 acres for the Adventurers, there would remain 2,131,500, of which, if the lands reserved for the Government in the four counties of Dublin, Kildare, Carlow, and Cork were deducted, only 1,727,500

Doubt as to the sufficiency of the forfeited land.

[1] Hardinge on Surveys in Ireland, p. 7. *Trans. of the Roy. Irish Academy* (Polite Literature), xxiv.

[2] *Scobell*, ii. 252.

[3] Hardinge's Survey in Ireland, 9-13, 39-41. *Trans. of the Roy. Irish Academy* (Polite Literature), xxiv.

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would be available to meet a debt to the soldiers of 1,550,000*l.*, to which was to be added 200,000*l.* due to other public creditors; so that the whole debt to be satisfied amounted to 1,750,000*l.* Unfortunately, at the rates set down in the Act the disposable acres were worth no more than 802,500*l.*, leaving an unsecured debt of 947,500*l.* In this difficulty the commissioners took the sense of a council of officers which met in November and recommended that the rates should be raised—in other words, that the acres dealt out should be estimated at a higher sum than the Act prescribed—on the understanding that the new rates should be separately appraised in each county, according to the nature of the soil.[1]

Nov. 21, 22 A council of officers agree to raise the rates.

Dec. The division of lands ordered.

By the end of 1653 the gross survey had proceeded so far that Worsley was able to send in an estimate of the acreage of the several baronies, though without specifying what lands were forfeited or unforfeited, profitable or unprofitable.[2] Rough as this calculation was, the Dublin Government announced in May that 4,711 soldiers would be provided with land before the end of June.[3] These lands, however, could only be provisionally assigned till a more exact admeasurement had been taken, and the officers, having grown impatient of the loose methods of the gross survey, obtained from the Government a commission to take what is known as the Civil survey, in which Crown lands, Church lands and lands forfeited by private owners were to be distinguished from one another. On June 2 commissions for surveying the ten

1654 May 4. The settlement of soldiers began.

June 2. The civil survey began.

[1] The Commissioners to the Council of State, Dec. 16, 1653, *Irish R.O.*, $\frac{A}{50}$ 50, p. 587.

[2] *Ib.* $\frac{A}{55}$ 45, p. 80.

[3] Instructions to Rowe and Kindon, May 4, *ib.*, $\frac{A}{56}$ 45, p. 341.

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counties were issued, seventeen other counties being subsequently added. The surveyors were instructed to take the baronies assigned to soldiers first.[1] Still, however, it was felt that there was room for improvement in the methods pursued, and a Committee appointed on September 8 to consider the whole question resulted on December 11 in the acceptance of an offer made by Dr. Petty to survey the forfeited lands in the three provinces in a far more accurate manner than had hitherto been attempted. The *Down Survey* as it was called, simply because its results were set down on a map, and not merely described in words and figures, was to be completed in thirteen months dating from February 1, 1655—that is to say, by March 1, 1656. As might have been expected, the substitution of Petty for Worsley led to violent recriminations between them. Petty described Worsley as ignorant and grasping, whilst Worsley described Petty as a charlatan without practical knowledge of the surveyor's art. The truth seems to have been that Worsley was an ordinary surveyor, incapable of rising to the height of his gigantic task, whilst Petty was possessed of unusual organising skill, with a keen eye for the requirements of a new situation.[2]

Sept. 8. A Committee to examine the whole question.

Dec. 11. An agreement with Petty for the *Down Survey*.

Petty's controversy with Worsley.

Pending the completion of the new survey the officers agitated for immediate possession of the lands assigned to them, at least in some provisional fashion. Nor did they find Fleetwood and his Council obdurate. On May 10, 1655, they received an engagement that several additional baronies would be set apart to satisfy their claims.[3] On the 22nd the Government

The officers demand immediate possession.

1655. May 10. More baronies for the soldiers.

[1] Petty's *Down Survey*, 382, 383. Hardinge on Surveys in Ireland, 14, in *Trans. of the Roy. Irish Academy* (Polite Literature), xxiv.

[2] *Ib.* 4–30.

[3] Order by the Deputy and Council, May 10, *Irish R.O.*, $\frac{A}{5}$ 5, p. 154.

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allowed the soldiers to withdraw their offer of a higher rate by counties,[1] and to revert to the rates established in the Acts of Parliament by provinces.

May 22. Immediate possession of lands to the value of two-thirds of the arrears.

At the same time they directed that they should be placed in immediate possession of lands to the value of two-thirds of their arrears, a limitation obviously prudent in view of the uncertainty as to the real acreage of any lands that were now available for division. The officers were, however, to state the order in which the regiments were to be disbanded, so that the survey might proceed with the baronies assigned to those regiments in the same order.[2]

July 9. Dissatisfaction of the army agents.

July 20. Concessions by the Government.

With this arrangement, however, the agents appointed by the army to treat with the Government were altogether dissatisfied, and on July 20 the Deputy and Council, though still refusing to give immediate possession of unsurveyed lands to individual soldiers, agreed to allow the rents of the soldiers' moiety of lands in the whole of the ten counties to be received by the army agents, with assurance that the land itself would be divided in due course as soon as the Down Survey was complete. The rents of other baronies assigned as collateral security, to be divided amongst the soldiers if it appeared that the ten counties were insufficient, were to be collected on behalf of the Government, but set aside, to be divided amongst the soldiers in the event of the lands in these districts being required for their use.[3]

March 7. Seizure of the corn of those neglecting to transplant.

The approaching completion of the settlement necessarily led to increasing stringency in the removal of the old proprietors. Soon after the first

[1] See *supra*, p. 326.

[2] Order by the Deputy and Council, May 22, Petty's *Down Survey* 64.

[3] Petty's *Down Survey*, 66–80.

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of March the corn of those who had neglected to remove was seized, and sold for the benefit of their compatriots who had already started for Connaught.[1] On March 19 courts-martial were established for the trial and execution of transplantable persons still to be found in any of the three provinces;[2] but at the same time the courts were instructed to substitute transportation to the colonies for the death penalty whenever they considered it desirable, and in any case to send no prisoners to execution without special approval by the Government. On April 2, however, the Government, resolving to make at least one example, gave its consent to the execution of a certain Edward Hetherington. The sentence passed on him was solely for not transplanting, but it was alleged against him that he had taken part as a Tory in the slaying of Englishmen.[3] On the following day he was hanged.[4]

April 2. Hetherington's execution.

The Tories, in truth, were even greater obstacles to the success of the plantation than the recalcitrant proprietors. Their bands, lurking in the fastnesses of the bogs and mountains, consisted of the hardiest of the natives who refused to submit to the strangers' yoke. Swooping down upon English habitations, and with still greater delight on the habitations of Irishmen who had submitted, they plundered and slew to their hearts' delight. Fear, or reluctance to betray countrymen, rendered the Irish peasant slow to give information which might lead to the capture of the marauders. To check the

1654. Ravages of the Tories.

[1] Declaration by the Deputy and Council, March 7, B.M. pressmark, 806, i. 14, No. 14.

[2] Declaration, March 19, *Irish R.O.*, $\frac{A}{26}$ 24, p. 75.

[3] Resolution of the Deputy and Council, Apr. 2, *ib.*, $\frac{A}{5}$ 5, p. 114. *Carte Papers*, vii. fol. 6.

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May 12. Irish to be collected in villages.

July. Murder of an Irish constable at Timolin,

1655. March ? and of eight surveyors.

complicity of the natives orders were given in Cork precinct that the Irish remaining in their old quarters should be collected in villages, in which at least thirty families were to be drawn together, and that these villages should not be within half a mile of wood, bog, or mountain. Care, too, was to be taken for the appointment of a head-man, with the duty of bringing in the cattle every night and setting a watch over them.[1] A few weeks later a party of Tories murdered an Irishman who served the English as a constable at Timolin. As the Tories were countenanced by the inhabitants of the neighbourhood, and no information had been given, all Irish Papists in Timolin were ordered to transplantation as a punishment, their cabins being burnt and rates levied on the barony for the relief of the widow.[2] Later on, perhaps in revenge for this punishment, another band of Tories swooped down on eight English surveyors at Timolin, carried them into the woods, and there murdered them.[3] In vain prices were set on the heads of the leaders of the Tories.[4] If some were brought in and hanged, others quickly slipped into their places. At last, in January 1655 the Government denounced the ingratitude of the Irish rebels, who, notwithstanding the mercy and favour of Parliament to all who would live peaceably under English rule, nevertheless continued in their evil courses, disturbing all who desired to live peaceably by 'murders, spoils, rapines, and thefts.'

[1] Instructions touching the Irish, May 12, 1654, *Irish R.O.*, $\frac{A}{86}$ 45, p. 361.

[2] Order by the Deputy and Council, July 21, *ib.* p. 505.

[3] Order, Dec. 25, 1655, *Prendergast*, 206, note 3. Prendergast says that no murder was committed, but does not give his authority.

[4] Instances are given in *Prendergast*, 343–4.

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The officers in each precinct were therefore ordered to act as a court-martial to judge summarily in such cases. No quarter was any longer to be given.[1]

Jan. 27. Courts-martial established.

So the renewed struggle was carried on in all its horrors. As in the days when Bruce was holding out against the officers of Edward I., the men who were thieves and murderers to the one side were heroes and patriots to the other. Not to submit to the contemptuous alien was the resolution which armed the heart of the Irish Tory. If he walked in darkness, it was because open resistance had ceased to be possible. He at least would not justify Gookin's dream of a submissive Ireland waxing fat under English landlords, caressing the hand that chastised him, and making sport for the master who loathed and despised him.

The struggle continued.

Again and again in the course of this inglorious struggle did the Government at Dublin attempt to reduce the number of its enemies. Thinking in terms of English law, it was never weary of decreeing that vagrants and other persons who refused to work were to be disposed of in the English colonies beyond the sea—to New England, Virginia, the West Indies, and especially to Barbados. The first instance appears to be one in which Messrs. Sellick and Leader, of Bristol, offered in the autumn of 1653 to ship 250 Irishwomen between the ages of 15 and 50 to New England. At the instance of Lord Broghill this proposal was set aside in favour of another to send out persons, both men and women, from the county of Cork. The persons so sent were to be such as 'live like beggars and vagabonds, and follow no lawful vocation.' Permission was accordingly granted to search for such persons 'of the Irish

Vagrants to be transported

1653. Oct. 25.

[1] Order of Deputy and Council, Jan. 27, 1655, *Irish R.O.*, $\frac{A}{16}$ 24, p. 27.

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nation that are rogues and vagabonds, idlers and wanderers, and such as have no means to get their livelihood by labour or otherwise, or such as, being able to labour, shall refuse to do so.' In January 1654 the governors of certain towns were directed to hand over to three merchants of Waterford, for transportation, all rogues and vagrants, whether men or women, taking care that no one was sent off who was living in a family and whose good behaviour was certified by the master of that family. In April one Norris was to transport rogues and vagabonds from Limerick precinct to the Caribbee Islands, and the same class of persons from Galway precinct to Virginia. In June a similar order was given to the same person to transport to Barbados.[1] These orders, which were followed by others to the same effect, were obviously liable to abuse, and in 1655 we hear of directions to search a ship lying in Dublin harbour, on suspicion that persons had been forcibly carried on board though they were neither rogues nor vagrants.[2]

1654. Further orders for transportation.

1655. Abuses detected.

The transported servants not slaves.

That the persons condemned to transportation were doomed to a lifelong slavery is a delusion propagated by writers unacquainted with the social condition of the colonies. The system of service prevailing in Barbados was applicable, at least in the more northern colonies, to free emigrants as well as to persons sent abroad under compulsion, and both there and in the West Indies the service came to an end at the expiration of a fixed term of years, the money paid to the shipper by the master who acquired these limited rights being supposed to be

[1] Orders by the Commissioners, Oct. 25, 1653; Jan. 23, Apr. 21, April 24, June 7, 1654 *Irish R.O.*, $\frac{A}{64}$ 44, p. 663; $\frac{A}{65}$ 45, pp. 66, 298, 301, 436.

[2] Order by the Deputy and Council, July 6, 1655, *ib.* $\frac{A}{5}$ 5, p. 188.

paid for the expenses of the voyage, which the servant, on his part, was bound to repay by his labour.[1] No doubt the passage across the Atlantic was accompanied with considerable hardship, and those who were assigned to a rough and cruel master had to endure suffering for a time; whilst even under more favourable circumstances the servant in Barbados had to work under a tropical sun. Nor

[1] In June 1654 the commissioners write to Col. Phayre that they have been unable to transport some of O'Dwyer's soldiers intended for service on the Continent but that men are wanted in Barbados and other West Indian islands, 'where they will have as good condition as any English or other servants there, and after 4 years are to be free men to act for their advantage.' They add that *14s.* a head will be paid to the officers who accompany them, 'which otherwise is to be allowed to every such Irishman as voluntarily goes abroad upon this contract.' The same is to be paid by the Undertaker to each 'of the said Irish now kept together upon the charge of the country as shall be put aboard, who are to have the like provision and accommodation; and for such women as shall go abroad, they are to be provided for as to apparel.' If the number did not reach 400, it was to be made up by apprehending vagrants and idle persons judged to be such by justices of the peace. The Commissioners to Phayre, June 15, 1654, *Irish R.O.*, $\frac{A}{90}$ 50, p. 708. On the evidence that the service to which Irishmen and others were sent was temporary servitude, not slavery, see *supra*, p. 161, note 2. In Virginia, a special Act was passed in 1655 that all Irish servants that, from 'the first of September, 1653, have been brought into this colony without indenture ... shall serve as followeth, viz., "all above 16 years old to serve six years, and all under to serve till they be 24 years old."' Hening's *Laws of Virginia*, i. 411. In his *Historical Sketch of the Persecution suffered by the Catholics of Ireland*, Cardinal Moran takes the usual view, that the transported Irishmen were slaves, supporting it almost entirely on the evidence of priests and others in Europe, who had no personal knowledge of the colonies. An apparent exception is a statement that 'when the Rev. John Grace visited these islands in 1666, he found that there were no fewer than 12,000 Irish scattered amongst them, and that they were treated as slaves.' Fortunately, Cardinal Moran has published the letter on which this statement is founded, and in that letter there is nothing about slavery. The men had been sent by Cromwell 'in agrorum culturâ ministratum, cum quibus misere et crudeliter agitur tum in temporalibus tum maxime in spiritualibus.' *Spicilegium Ossoriense*, p. 485.

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would it be possible to deny that women cut adrift from family life were subject to peculiar perils. Yet, when their term of service was expired, the paucity of numbers of white women enabled them to command their own price, and there is every reason to believe that the greater number of them ultimately settled down as the free wives of free men.[1]

[1] Prendergast gives the most gloomy account of the fate of the women transported, telling us that 'the West India sugar planters. . . . desired the men and boys for their bondsmen, and the women and Irish girls, in a country where they had only Maroon women and negresses to solace them.' Writing again of a later project of sending 1,000 boys and 1,000 girls to Jamaica—a project which, as will be seen (see *infra*, p. 453), was never carried into effect—he says that the 'boys were to go as bondsmen, and the girls to be bound by other ties to these English soldiers in Jamaica' (*Prendergast*, 89, 93). To these reckless statements we may oppose the fact that Ligon gives us an account of the expenses of an estate in Barbados, reckoning those of ten white women servants, 'four to attend in the house,' and 'the other six that weed and do the common work abroad yearly' (*Hist. of Barbados*, 115). Mr. Bruce's very full acconut above referred to puts the matter in a clear light so far as Virginia is concerned. 'A certain degree of liberty in the sexual relations of the female servants with the male, and even with their masters, might have been expected, but there are numerous indications that the general sentiment of the colony condemned it, and sought by appropriate legislation to restrain and prevent it.' The marriage of a woman servant during her time of service without her master's consent was punishable, because it deprived the master of her services. Speaking of a somewhat later time, when women of bad character were transported in large numbers, Mr. Bruce writes: "The women who were exported from England to the colony had unusual opportunities of advancing their welfare in life. If they enjoyed an honourable reputation, they found no difficulty in marrying into a higher station than they had been accustomed to. Bullock," in 1649, "mentions the fact that no maid whom he had brought over failed to find a husband in the course of the first three months after she had entered into his service. The fortunes of these imported women were frequently superior to their deserts, for a large proportion of them were considered to be worthless" (Bruce's *Economic Hist. of Virginia*, ii. 51). The eagerness with which women were sought in marriage in Barbados is shown by a statement made in 1654, by an English visitor, that 'a whore, if handsome, makes a wife for some rich planter' (Whistler's Journal, *Sloane MSS.* 3926, fol. 9).

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1654 Towns to be in English hands.

Next to the elimination of Tories, no subject was deemed more important to the success of the plantation than the securing of centres of trade in English hands. On May 10, 1655, orders were given that 'Papists and other superfluous Irish' should be expelled from Dublin.[1] A year earlier, in 1654, the Roman Catholic inhabitants of Kilkenny, Wexford, and Clonmel were expelled, with the exception of a few artisans and fishermen, though they were almost all of English descent.[2] In their case, however, the Government was content to allow the expelled families to reside outside the walls in the neighbourhood of their old homes, without insisting on transplantation. In Galway, houses deserted by their owners in 1652 were seized by the Government; and in July 1655, on the ground that the articles of capitulation had provided for the expulsion of the inhabitants if their presence was found to endanger the security of the place, all Irishmen, with the exception of the sick and infirm, were ordered to leave, the value of their property being provided for them elsewhere.[3] Limerick, at the mouth of the Shannon, was of special importance, and in May 1654 it was ordered that no more than forty artificers and fishermen might remain, and they only if they had not borne arms and were not proprietors of land.[4]

Cases of Dublin, Kilkenny, Wexford, and Clonmel,

of Galway,

and of Limerick.

To weaken Papists and to strengthen Protestants

[1] Order by the Deputy and Council, May 7, *Irish R.O.*, $\frac{A}{5}$ 5, p. 147.

[2] Prim's Men of the Family of Langton, *Kilkenny Archæological Journal*, New Series, iii. 85; Orders by the Commissioners, March 6, 13, 15, 1654, *Irish R.O.*, $\frac{A}{64}$ 44, p. 62; $\frac{A}{85}$ 45, pp. 157, 179.

[3] Order by the Commissioners, March 15; Order by the Deputy and Council, Oct. 18, 1655, *ib.* $\frac{A}{82}$ 42, p. 705; $\frac{A}{5}$ 5, p. 254.

[4] Order by the Commissioners, May 15, 1654, *ib.*, $\frac{A}{85}$ 45, p. 363.

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was the chief object of the Government in Dublin and Westminster. For erring Protestants the path was made easy by two ordinances issued by the Protector before the meeting of Parliament—the one covering with an indemnity those of Munster who had supported Ormond and Inchiquin in 1648, on the ground that they had brought their province over to the Commonwealth in 1649; the other letting off Protestants in other parts of Ireland with a fine, in lieu of the confiscation of one-fifth of their property adjudged to them by the Act of Settlement.[1] Taking the two together, and noticing that they were nearly coincident in point of time with the grant of the power of dispensation from transplantation to Fleetwood on August 17,[2] it would seem that the Protector was at that time inclined to adopt a policy of conciliation on both sides; though it was only to be expected that conciliation should go very much further in the case of Protestants than in that of Catholics. Nor is this all. That Gookin was the warm advocate before the Council of the Munster indemnity is beyond dispute.[3] It is equally beyond dispute that in June 1654 the Protector showed his favourable opinion of Gookin by conferring on him a grant of land in Ireland; and that Fleetwood manifested his hostility by refusing for a twelvemonth to carry the grant into effect.[4] On November 30, 1654, in spite of the dispensing power conferred on him, Fleetwood had issued that sweeping order for transplantation[5] which rendered the crisis acute. On May 23, 1655, he complained of being discountenanced in England.

May–Sept. Concessions to Protestants.

Coincidence with the grant of a dispensing power.

June 23. Land granted to Gookin in Ireland.

Fleetwood's opposition to Gookin's views.

[1] *Ordinance for Protestants of Munster*, Aug. 1, 1654, E, 1064, 27; *Ordinance for Protestants in Ireland*, Sept. 2, *Scobell*, ii. 359.

[2] See *supra*, p. 318.

[3] *Egmont MSS.*

[4] *Hist. Review* (Oct. 1899), xiv. 734.

[5] See *supra*, p. 319.

and pleaded for a letter from the Protector to encourage him in the prosecution of the work of transplantation.[1]

May 23. Complains of having no letter.

The fact was that Fleetwood's conduct as Deputy had given cause for much searching of heart at Whitehall. In addition to the difference of opinion between Fleetwood and the Protector in the matter of the transplantation, the Deputy's notorious patronage of the Baptists, to which sect he himself belonged, and who were numerous and influential in the Irish army, could not but give umbrage to a Government which had had experience of the revolutionary tendencies of many of their co-religionists in England.[2]

Differences between Fleetwood and the Protector.

The first remedy which occurred to the Council was to send Henry Cromwell in the room of Ludlow, whose continuance in office was incompatible with the Protectoral system. Accordingly, on August 24, 1654, at the request of the English Council, Henry Cromwell received a commission to command the Irish army under Fleetwood, with the title of major-general;[3] and on December 25 he was named a member of the Irish Council.[4] The delay in sending the new commander to Ireland was probably due to a desire on the part of the Protector to conciliate his

Aug. 24. H. Cromwell to command the army under Fleetwood,

Dec. 25. and to be a Councillor.

[1] Fleetwood to Thurloe, May 23, *Thurloe*, iii. 468.

[2] "In Ireland they" (*i.e.* the Anabaptists) "were grown so high that the soldiers were many of them re-baptised as the way to preferment; and those that opposed crushed with much uncharitable fierceness. To suppress these he sent hither his son, Henry Cromwell, who so discountenanced the Anabaptists, as yet to deal civilly by them, repressing their insolencies, but not abusing them or dealing hardly with them.' *Rel. Baxterianæ*, i. 74.

[3] Order of Council, Aug. 22, *Interr.* I, 75, p. 523, O. Cromwell's *Memoirs of the Protector*, 693.

[4] He had been recommended for this post by the English Council. Order of Council, Aug. 23; Commission, Dec. 25, *Fourteenth Report of the Deputy Keeper of Records in Ireland*, p. 28.

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son-in-law.[1] Subordinate as Henry Cromwell would be in both capacities, his relation to the Protector could hardly fail to give him a preponderating influence in the Council.

1655 July 9. H. Cromwell in Ireland.

The opposition between the Protector and the Deputy increasing in the spring of 1655, the young commander was at last despatched to his duties, landing in Dublin on July 9. He was preceded by a letter which, in its involved arrangement, testifies to Oliver's embarrassment. Embedded in the midst of pious remarks is his disclaimer of an intention, which had been attributed to him, of sending Henry as Deputy in Fleetwood's place. Then, after a further instalment of religious observations, the real object of the letter is slipped in:—"If you have a mind to come over with your dear wife, &c., take the best opportunity for the good of the public and your own convenience."[2] It is easy to read between the lines. Though the Protector had no wish to deprive his son-in-law of his high dignity as Lord Deputy, he would be glad if he would voluntarily abandon the personal fulfilment of its duties. This letter was emphasised by another,

June 19. Gookin to receive his land.

written only three days earlier, ordering Fleetwood to place Gookin in possession of the land which had been granted to him twelve months before.[3]

[1] Mr. Firth, in the *Dict. of Nat. Biogr.*, Art. 'Henry Cromwell,' attributes the delay to the Protector's unwillingness to advance so near a member of his own family. If so, why did he name him to the command on Aug. 24? The membership of the Council could hardly be separated from that post.

[2] The Protector to Fleetwood, June 22, *Carlyle*, Letter cxcix. It should be said that the correspondence in the *Lansdowne MSS.* furnishes proof that Fleetwood was desirous of coming over on personal grounds, though he may have wished to pay no more than a temporary visit. See also Fleetwood's own letter in *Thurloe*, iii. 602.

[3] The Protector to the Deputy and Council, June 19, *Irish R.O.*, $\frac{A}{28}$ 26, p. 64.

Fleetwood's temper was none the more amiable for this expression of the Protector's sentiments. On July 14, five days after Henry Cromwell's arrival, he issued two declarations which, taken together, showed his determination to carry out his transplantation policy in the most extreme way. One of these took the form of a reply to certain queries sent to him by the Protestants of Limerick, in which he defined those who had borne arms, as including persons who had attended any rendezvous, or had kept watch and ward, even if they had been 'forced or pressed' into the service.[1] The other was an order issued by him as Commander-in-Chief, reminding officers and soldiers that they had not only neglected to search for persons condemned to transplantation under the three qualifications, but had entertained such persons as tenants or servants. If they did not amend their ways they would be sent before a court-martial, to be dealt with in accordance with the articles of war.[2]

Fleetwood defiant.

July 14. His definition of men in arms.

Soldiers to search for transplantable persons.

The resistance of the officers and soldiers to the attempt to deprive them, in their quality of present or future proprietors, of the service of Irish labourers or tenants lay at the root of Fleetwood's difficulties. During the last few months he had encountered the same opposition nearer Dublin, where an attempt to clear off the native Irish from what were popularly known as the Five Counties—that is to say, Wexford, Wicklow, and Kildare, together with parts of Dublin and Carlow—had broken down before the resistance of the new proprietors.[3] For some weeks Fleetwood

The resistance of the soldiers to Fleetwood's policy.

The five counties.

[1] Answers to queries, July 14, *Irish R.O.*, $\frac{4}{5}$ 5, p. 199.

[2] Declaration by the Deputy, July 14, B.M. press-mark, 806, i. 14, No. 24.

[3] Orders by the Deputy and Council, May 21–June 7, *ib.* No. 21; *Irish R.O.*, $\frac{4}{5}$ 5, p. 173.

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Fleetwood and Henry Cromwell.

hung on at Dublin. By the beginning of August his retirement was a matter of common talk. The crowd which had hitherto followed him in his attendance on the service of the Baptist congregation now followed Henry Cromwell to the lately deserted 'public service' instituted by the Instrument of Government. The Provost of Trinity College hailed the son of the Protector as the future ruler of the country.[1] It was impossible to hold out longer, and on September 6 the Lord Deputy took shipping for England.

Sept. 6. Fleetwood leaves Dublin.

Significance of the change.

The departure of Fleetwood was a turning-point of the Cromwellian policy in Ireland. It indicated a policy of distrust of those officers who arrogated to themselves the title of 'the godly,' and announced at least an intention to introduce a more secular *régime*. It signified, too, the abandonment of the plan of sweeping the large majority of the Irish population out of three provinces, and supplying their places by English labourers. Under the influence of Henry Cromwell no more is heard of the large class of those who had taken part in or had given assistance to the rebellion in its earliest stage, the Government being content with the transplantation of landowners and men who had borne arms, the latter class being, as Colonel Lawrence had argued,[2] comparatively a small one. For the earlier and more extensive plan, regarded from a merely English point of view, there had been something to be said. To put an end to the constant resistance of Irishmen to the imposition of English government and English custom by replacing the natives of three-fourths of Ireland by Englishmen

[1] Letters from Dublin, Aug. 1, 13, 19, Sept. 5, *Merc. Pol.*, E, 851, 8; E, 852, 18; E, 853, 22; *Perf. Diurnal*, E, 852, 15.

[2] See *supra*, p. 323.

seemed a desirable end to men to whom Irishmen appeared to stand outside the pale of civilisation, and who doggedly believed that Irishmen were alone to blame for the catastrophe which had shocked the whole of England in 1641. Fortunately for the progress of the race nature does not allow any people to regard the fate of another purely from its own point of view. The English project had recoiled partly because the grip of the native population on the soil could not be shaken loose, but still more because the English population was not prepared to rush in where no vacuum had been created. The new project, of retaining the mass of Irishmen, whilst depriving them of their natural leaders, and so tempting them to be as Englishmen, remained yet to be tried, though with little chance of success.

CHAPTER XLV.

HISPANIOLA AND JAMAICA.

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The purpose of the fleets.

ALTHOUGH the speech in which the Protector had set forth the delinquencies of his first Parliament as a justification of its approaching dissolution contained no reference to the two fleets which had by that time left the shores of England, its silence can safely be ascribed to prudential motives. Second in Oliver's mind only to his desire to protect 'the people of God' was his resolution to extend beyond the seas the power of England, a resolution which with him assumed, to some extent, the character of a Divine mission. "We consider this attempt," he had said in recommending the West Indian expedition to his Council, "because we think God has not brought us hither where we are, but to consider the work that we may do in the world as well as at home."[1] To weaken the grasp of Spain on the New World was to strike an effectual blow at the dominion of Antichrist, and Oliver could not fail to be bitterly mortified when he found the Parliament, on whose co-operation he had looked with hope, leaving this holy enterprise without financial support.

July 20. A blow at Antichrist projected,

Yet, with all his religious enthusiasm, Oliver never lost sight of the practical objects to be attained by the destruction of Antichrist; nor did he fail to perceive that, if the enterprise was to be

[1] See the Corrigenda to Vol. ii., at the end of the present volume, and also *Clarke Papers*, iii. 207.

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justified in the eyes of the world, it must be justified on other than religious grounds. The commercial interests of England led him to challenge the claim of Spain, not, indeed, as has often been erroneously alleged, to refuse to Englishmen the right of trading with Spanish colonies, but to seize English ships and to maltreat English crews merely because they were found in some part or another of the Caribbean Sea, even though they might be destined for some island in actual possession of an English colony.[1] Setting aside, therefore, the religious grounds of strife, the impending conflict based itself on a conflict between two opposing principles. For England the right of possession rested on effective occupation.[2] For Spain, so far as America was concerned, it rested on the

and also the defence of trade.

[1] Oliver's views on this subject are clearly set forth in the commission issued by him to the five commissioners charged with the control of the West Indian expedition. "We having taken into our serious consideration the state and condition of the English plantations and colonies in the western parts of the world called America, and the opportunity and means which God hath betrusted us and this Commonwealth with both for securing the interest we already have in those countries which now lie open and exposed to the will and power of the King of Spain—who claims the same by colour of a donation of the Pope—at any time when he shall have leisure to look that way; and also for getting ground and gaining upon the dominions and territories of the said King there; whereunto we also hold ourselves obliged in justice to the people of these nations for the cruelty, wrongs and injuries done and exercised upon them by the Spaniards in those parts. Having a respect likewise in this our undertaking to the miserable thraldom and bondage, both spiritual and civil, which the natives and others in the dominions of the said King in America are subjected to and lie under by means of the Popish and cruel Inquisition and otherwise, from which, if it shall please God to make us instrumental in any measure to deliver them, and upon this occasion to make way for the bringing in the light of the Gospel and power of true religion and godliness into those parts, we shall esteem it the best and most glorious part of any success or acquisition it shall please God to bless us with." Commission of the Commissioners, Dec. 9, *Narrative of Venables*, 109.

[2] The Protector had here adopted Raleigh's view. *Hist. of England*, 1603–1642, iii. 39–41.

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arbitrament of Alexander VI. Taking his view of the position for granted, Oliver assured Venables of the righteousness of his mission. "Either," he argued, "there was peace with the Spaniards in the West Indies or there was not. If peace, they had violated it, and to seek reparation was just. If we had no peace, then there was nothing acted against articles with Spain."[1] The expedition once resolved on, Oliver had no thought of limiting it to the seizure of any single port or island. He was bent on bringing under English dominion the track of the gold convoys across the Isthmus of Panama.[2] This scheme was a reversion to the Elizabethan gold-hunt, as opposed to the agricultural and commercial settlements of more recent years. There was nothing strange in the adoption of such a policy. What was strange was that Oliver should have thought it possible to cut off the supplies through which alone Spain was able to save herself from bankruptcy, and yet to remain at peace with her in Europe. It is to be presumed that the long-suffering with which Philip II. had postponed hostile action, in spite of Drake's roving exploits in American waters, led him to forget that the hesitating and inactive character of that Philip was unlikely to be reproduced in his grandson; and also that his personal experience of his relations with France had convinced him of the possibility of carrying on warfare by sea without coming to a formal breach which would carry with it the opening of hostilities in a wider sphere. However this may have been, Oliver seems to have thought that he could justify an attack on the treasure-house of the world by the happy results

Scope of the expedition.

[1] Venables' *Narrative*, 3.

[2] Instructions to Venables. Burchett's *Complete History of . . Transactions at Sea*, 385.

which his action was likely to produce on the balance of power amongst the Churches of Europe. In New England the great enterprise was discussed with approval, Cotton's satisfaction taking the form of a prediction that it would lead to the drying up of the river Euphrates foretold in the Apocalypse. To Captain Leverett, fresh from service in New England, Oliver had used much the same language, adding that 'he intended not to desist till he came to the gates of Rome.'[1]

Oliver expects its task to be an easy one.

If there is anything which at first sight appears unaccountable in the history of this expedition, it is Oliver's belief that its task of conquest was an easy one, though such heroes as Hawkins and Drake had never been able to accomplish more than the sacking of a few towns and the temporary occupation of a few ports. Partly, perhaps, he was influenced by a not unnatural, though misplaced, confidence in the superiority of regular troops and a national fleet over the crews brought together by private adventurers, but still more by the representations of two men who had had personal experience of the West Indies, and whose information passed current at Whitehall as undisputed truths. One of these—Thomas Gage—had been sent out to Spanish America by the Dominican order, of which he had become a member, but had returned to England in 1641, where he had announced his conversion to Protestantism, after which he took the side of Parliament and adopted the career of a minister. In 1648 he published, under the name of

He is misled by Gage and Modyford

[1] See an article by Mr. Strong in the *American Historical Review* (Jan. 1899), iv. 2. The Diary of Samuel Sewall is there quoted as evidence that Leverett was to have been Governor of Hispaniola. It is most improbable that a mere captain would have been destined to such a position, and it must not be forgotten that the conversation in which the statement was made did not occur till 1696.

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The English-American, an account of the West Indies; and in the summer of 1654, or even earlier, he laid before the Protector a memorial in which he recapitulated the conclusions of that work, assuring him that the Spanish colonies were thinly peopled, and that the few white inhabitants were unwarlike, and scantily provided with arms and ammunition. He alleged that the conquest of Hispaniola or Cuba would be a matter of no difficulty, and even that Central America was not in a condition to resist long.[1] Colonel Modyford, who was a member of the Council of Barbados, recommended, on the other hand, an attack on Guiana; but he too regarded the enterprise—comprising the occupation of the coast as far westward as Cartagena—as 'very easily compassed.'[2]

Danger from the division of authority.

Though Oliver was led astray in a matter of which he had no personal experience, he was well aware of the existence of one source of danger against which it behoved him to provide. When Drake or Raleigh sailed for the Indies, the commander-in-chief exercised undisputed authority over every single person on board. The differentiation between the naval and military services made it no longer possible to follow their example in this respect. Even as early as in 1589 the division of the command between Drake and Norris had been attended with disastrous results to the expedition they conducted against Lisbon. Yet it was impossible to revert to the earlier system. To appoint either Penn or Venables to the supreme command

[1] Gage's observations, *Thurloe*, iii. 59. For a fuller account of Gage, see his life in the *Dict. of Nat. Biogr.*, and Mr. Strong's abovementioned article, where it is demonstrated that neither Gage's nor Modyford's papers can have been handed in so late as December, under which date they are placed in the printed *Thurloe*.

[2] A paper of Col. Modyford, *ib.* iii. 62.

over the land and sea forces would but spell instant ruin, and, with this problem to face, the Protector fell back on a solution which, if not ideally the best, was probably the best of which circumstances admitted. The general conduct of the expedition was to be entrusted to five commissioners, of whom Penn and Venables were to be two, the General and Admiral each retaining executive authority in his own service. Such an arrangement had little in common with the often-condemned blunder of appointing a body of civilian commissioners to control a single general. It was intended to supply a means of keeping a double command in tolerable harmony; whilst the inclusion of Penn and Venables themselves in the number of the commissioners afforded each of them a means of pleading his own cause within doors, instead of being driven to accept or reject orders, definitely given by a merely civilian authority which claimed superiority over the professional heads of the expedition.

Five commissioners appointed, of whom Penn and Venables were two.

Yet, though no better provision suggests itself as available, the contrivance was at the best a clumsy one, and required the utmost care in the selection of the three external commissioners. Unfortunately, one only even approached the necessary conditions. Edward Winslow, who had been one of the adventurous band which sailed for New England in the 'Mayflower,' had three times served as Governor of Plymouth Colony, and had returned to England in 1646. Though he had sided with Parliament at the time of its expulsion in 1653, his knowledge of colonial affairs, together with the repute of his abilities and character, had gained for him the confidence of the Protector.[1] The choice of Daniel Searle,

Winslow, Searle, and Butler commissioners.

[1] See Mr. Firth's account of his career in the Preface to Venables' *Narrative*, x.

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the Governor of Barbados, would, but for one circumstance, have been as satisfactory as that of Winslow. He was a capable man, but necessarily hampered by his relations to the colony whilst the expedition remained at the island, and after it left he would be unable to leave his post to accompany it into action. His absence would be of the greater consequence because Winslow's other colleague, Captain Gregory Butler, selected apparently on account of his local knowledge, was, by the testimony of all who came into contact with him, weak in those qualities of temper and discretion which are indispensable in a councillor.[1]

Relations between Penn and Venables.

Some time before the sailing of the fleet it had become evident that the danger of a misunderstanding between Penn and Venables was by no means imaginary; and the instructions issued on December 9 to all concerned must have served to increase that danger, Penn's services being therein limited to the conveyance of the land forces to their destination, to the employment of the fleet in the destruction or capture of French or Spanish vessels, and to the promotion of the design against the Spaniards in the West Indies. That design was to be carried out, as the Protector informed his Admiral, 'in the manner expressed in our instructions to General Venables, which he is to communicate to you.'[2] As a matter

[1] Mr. Firth has collected the statements of those who served with him. "Truth is," wrote Major-General Fortescue after the force had landed in Jamaica, "I know not of what use he is, unless to make up a number. . . If I may without offence speak it, he is the unfittest man for a commissioner I ever knew employed; I suppose His Highness and Council had little knowledge of him." And again, "He may very well be spared, his whole business having been to engender strife and create factions among the officers," Venables' *Narrative*, xii.

[2] Penn's instructions, *Mem. of Penn*, ii. 23. Penn's commission, which these instructions accompany, are there dated Oct. 9. Mr. Firth shows (Venables' *Narative*, ix., note 1) that this must almost certainly be an error for Dec. 9.

of fact, the instructions given to Venables were in far greater detail than Penn's. The object of the expedition, he was told, was 'to gain an interest in that part of the West Indies in possession of the Spaniards.' He was not, however, bound to any definite plan. It had been proposed, he was told, to seize on Hispaniola or Puerto Rico, or even upon both; after which Havana might be won, a place invaluable as the port of call for the homeward-bound treasure-fleet on its way from Panama to Europe before it entered the Bahama Channel.[1] An alternative scheme was a landing at some point between the mouths of the Orinoco and Porto Bello, with the intention of ultimately securing Cartagena. Yet a third proposal was to begin with San Domingo or Puerto Rico, and afterwards to attempt Cartagena instead of Havana. It was, however, left to those on the spot to decide which, if any, of these schemes should be carried out.[2]

Plan of the design.

It is not strange that Penn, captious as he was,[3] and already prejudiced against Venables, took umbrage at the fulness of instructions which, having been withheld from himself, were to be communicated to him by his military colleague. Even before the issue of these instructions the Protector, anxious to conciliate him, had confirmed a grant of Irish land made to him in September, and accompanied his concession with pressing letters to the authorities in Dublin to see that the matter was not neglected. After this Oliver felt himself justified in[4]

Penn's dissatisfaction.

Dec. 4. A grant of Irish land to him.

[1] Corbett, *Drake and the Tudor Navy*, i. 90.

[2] Instructions to Venables, Burchett's *Complete History*, 385.

[3] This was Winslow's opinion of him. Winslow to Thurloe, March 16, *Thurloe*, iii. 249.

[4] *Mem. of Penn*, ii. 19.

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Oliver recommends two kinsmen to Penn.

recommending two young kinsmen of his own for appointments in the fleet, and even in sharply reprimanding the Admiral for giving to one of his own relatives a place which he had promised to the Protector's nephew.[1]

Dec. 20. An appeal to Penn.

On December 20, when the fleet was almost ready to sail, Oliver made one final appeal to Penn's better feelings. "I understand," he wrote, "so much of your care and industry in this business that I cannot but acknowledge it, and let you know how much you make me beholden to you; and I pray you persist therein. I do humbly hope the Lord will have an eye upon this business, and will bless it. And therefore, if it be His business, it will certainly provoke every good heart to eye Him in it, and to be able to overcome every thing in a man's own heart that may anywise lie as an impediment in the way that may hinder the bringing of it to its perfection; and in this I have full assurance of you, notwithstanding I have had some knowledge of a little dissatisfaction remaining with you, which I hope by this time will be removed, and I desire you it may be so. You have your own command, full and entire to yourself, nothing interfering with it, nor in the least lessening you. The command at land is also distinct, and there the General at land must exercise his authority; and thus I trust you will both consent to carry on the public work without hesitation; and God forbid that any thing, either in you or him, should in the least hinder that. I hope it shall not; and know assuredly, upon the experience you have had of me, that I shall be as tender of your honour, as sensible to uphold your quality, as you shall be to desire me. The

[1] The Protector to Penn, Dec. 1, Jan. 15, Portland MSS., *Hist. MSS. Com. Rep.*, xiii. App. ii. 88, 89.

Lord make your journey prosperous and bless you!"[1] For the time being this pleading was not without effect. Before the sailing of the fleet Winslow was able to write to Thurloe that that sore was easily cured; and after his arrival in the West Indies he could report that the demeanour of the General and Admiral mutually towards 'each[2] other at sea was sweet and hopeful.'[3] The wound, however, still rankled, and when the time of action arrived it was likely to break out again, with disastrous consequences.

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Character of the land forces.

Far more damaging than Penn's jealousy was the Protector's own blunder in ignoring the strength brought to an army by regimental discipline and comradeship. Instead of taking complete regiments the Government resolved that the army for the West Indies should be composed of drafts from the regiments serving in different parts of the country, and, what was worse still, that these drafts should be selected by the colonels of the regiments in which they had served. The natural consequence was that the men chosen for foreign service were for the most part those of whom their colonels were most anxious to be rid, and when the numbers thus supplied were found insufficient, an attempt was made to fill the vacant places with the riff-raff of the London streets. In vain Venables pleaded that the men he was to command might be raised from the seasoned regiments with whose martial qualities he had been familiar in Ireland; or, if this might not be, that volunteers might be drawn from the troops in England. Such proceedings,

[1] The Protector to Penn, Dec. 20, *Hist. MSS. Com. Rep.*, xiii. App. ii. 88.

[2] Misprinted 'every.'

[3] Winslow to Thurloe, March 16, *Thurloe*, iii. 249.

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inexplicable to Venables, can only be explained by the brevity of the time available for the collection of the forces. The Protector had been warned by Gage that the rainy season began in May, and when November, and even December arrived, his anxiety to see the last of the fleet must have been intense. As for the employment of volunteers, tropical service was none too popular in the army, and it is probable that, if Venables' advice had been taken in this direction, he would have found himself without any following worthy of consideration.[1]

Necessity of haste.

A muster refused.

The same conviction of the value of time which made it impossible to send to Ireland for soldiers stood in the way of compliance with the request of the General that he should be allowed to hold a general muster of his soldiers at Portsmouth before their embarkation. "Before I came thither," he bitterly complained, "some were shipped and sent away, and all were reproached for not shipping faster than wind and tide and boats would serve us."[2] Whatever may have been the causes of this haste, the consequences bade fair to be disastrous. The army from which so much was expected was without cohesion and without confidence in its commander. Everything that it most behoved soldiers to know would have to be learnt, not merely in the presence of the enemy, but under climatic conditions against which neither they nor those who sent them knew how to provide. It had not been by gathering a mob and styling it an army that Oliver had beaten down his enemies at Marston Moor and Naseby.

[1] F. Barrington to Sir J. Barrington, July 14, *Hist. MSS. Com. Rep.*, vii. 571.

[2] Venables' *Narrative*, 6; *A Brief and Perfect Journal*, *Harl. Misc.*, iii. 513.

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The force to be strengthened in the Indies.

Nor was it only from the deficiencies of the force thus hurriedly brought together that danger was to be expected. According to the accepted plan, Venables was to have taken with him 3,000 men—though the number was found, in fact, to be no more than 2,500—and this body was to form the nucleus of an army to be made up by recruits in Barbados and the other English islands. What likelihood, however, was there that these raw levies would find in a force composed as was the one now hurried on shipboard a nucleus round which to rally? The case was the more hopeless as both officers and men were under the impression that their object was less to defeat an enemy than to found a colony. Even Venables was left under this delusion. The city of San Domingo, according to his instructions, 'not being considerably fortified,' might 'probably be possessed without much difficulty'; and he gave evidence of his belief that little danger was to be feared by carrying with him his wife, whom he had recently married as a mature widow, pleading subsequently that 'his Highness did only intend a plantation, where women would be necessary.'[1]

The soldiers led to expect an easy task.

On December 20 the first portion of the fleet put to sea, and the remainder followed on the 25th. Two storeships which were to have carried necessaries for the soldiers failed to arrive in time; whilst the provisions already placed on board for their use, being found defective, Venables threw the blame on Desborough, who had been appointed to arrange for the supplies, and whom he charged—probably without foundation—with acting in collusion with the victuallers.[2]

[1] Memoranda of Eliz. Venables, *Chetham Soc. Misc.* iv. 9-28.

[2] Venables' *Narrative*, 5-7, 102.

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Jan. 29. The fleet at Barbados.

The outward voyage to Barbados was uneventful, and on January 29 the fleet cast anchor in Carlisle Bay. The arrival of a hostile force could hardly have been more unwelcome to the planters, who had been in the habit of importing goods in Dutch bottoms in defiance of the provisions of the Navigation Act. Almost immediately after their arrival the commissioners made seizure, by the Protector's orders, of a number of Dutch vessels lying in the bay, and that, too, in virtue not only of the Navigation Act, but also of another Act which prohibited all foreign trade with the colony in consequence of its adhesion, at the time when the Statute was passed, to the Stuart cause.[1] Such a proceeding could only be justified by the clause in the Navigation Act forbidding the importation into an English colony of goods not the produce of the countries in which the ships bringing them were owned, a clause which had been violated by the Dutch ship-masters if, as is highly probable, they had carried negro slaves across the Atlantic.[2] Angry at this interruption of their trade the colonists raised difficulties when an attempt was made to enlist volunteers to make up the numbers required to complete the army. The planters, not unreasonably, cried out against the inducement offered to their servants to desert their work, and it was only after the commissioners had entered into an engagement that freemen only should be entertained that the enlistment made any progress.[3]

Seizure of Dutch vessels.

Enlistment of men.

[1] See Vol. i. 352.

[2] Winslow to Thurloe, March 16, *Thurloe*, iii. 249; Venables' *Narrative*, 8.

[3] The freemen are described as 'such as [had] served in the country for freedom, or paid their passage when transported from England.' J. Barrington to Sir F. Barrington, *Hist. MSS. Com. Rep.*, vii. 572. I have added 'had' on my own responsibility, as the sentence makes nonsense without it.

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The engagement, however, was in many cases evaded, and in one way or another, so far as numbers were concerned, the force under Venables began to present a formidable appearance. At a muster taken on March 21 it was found to reach 6,873,[1] including a troop of horse raised in Barbados to supply the place of one which had been detained by contrary winds in an Irish port. When the fleet put to sea on March 31, it picked up some 1,200 volunteers at Montserrat, Nevis, and St. Kitts; to whom must be added a naval regiment of about the same strength, serving under Vice-Admiral Goodson as its colonel, thus bringing the entire force above 9,000 men,[2] now divided—including the seamen—into eight regiments.

Mar. 21. A muster taken.

March 31. The fleet sails.

Numbers of the army on board.

The quality of the new levies, with the notable exception of the sea regiment, was not commensurate with their numbers. "Our planters," wrote Venables after the catastrophe had occurred, "we found most fearful, being only bold to do mischief, not to be commanded as soldiers, nor to be kept in any civil order, being the most profane, debauched persons that we ever saw, scorners of religion; and, indeed, men kept so loose as not to be kept under discipline, and so cowardly as not to be made to fight." If Venables' words may be thought to be exaggerated, as those of a man on his defence, they were at least no harsher than those of more impartial witnesses. "To say the truth," wrote three of the commissioners to the Governor of Barbados, "your men and the men of St. Christopher's lead all the disorder and con-

Bad quality of the new levies.

[1] Venables' *Narrative*, 122. Mr. Firth makes the number 100 more, having omitted to take into account his own correction on the same page.

[2] The question of numbers is fully discussed by Mr. Firth in his Preface to Venables' *Narrative*, xxx.

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fusion." The testimony of Captain How to the worthlessness of the Barbadians is to the same effect. "The men we had from thence," he declares, "for the most proved good for little. I dare say that 1,000 of our soldiers that came out of England or Ireland is better than 5,000 of them.'[1] Their discipline, too, was shaken by the difficulty of procuring arms for more than a part of the army. Gunsmith's tools had been left behind, and the wood of the island was not such as to enable the pike-heads brought from England to be fitted with shafts of the usual length. The result was that it was only for a short time at the end of the stay at Barbados that the whole force in the island could be drilled.[2] The evil was complicated by the ineffectiveness of many of the officers, who had been brought together without sufficient discrimination before the troops left England. Food, too, was running short, and on the voyage the landsmen were put on half-rations, a circumstance which again roused the spirit of contention between Penn and Venables, the latter declaring that the best bread was reserved for the sailors, the worst being served out to the soldiers.[3]

Question of pillage.

On one important subject, however, Penn and Venables were agreed. Knowing the motives which actuated the large majority of the soldiers, they proposed that the plunder should be brought into a common stock, to be divided amongst all who were concerned in its capture. To this, however, the other commissioners took exception. It had been resolved that the city of San Domingo should be the object of the first attack, and on April 13, when the expedition was nearing the coast of Hispaniola, Venables was compelled to issue an order offering to the soldiers six weeks' pay in lieu of pillage. The

San Domingo to be attacked.

[1] Venables' *Narrative*, 30, 40. [2] *Ib.* 12. [3] *Ib.* 13.

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reason for such an unpopular decision was plainly given. "Whereas," the General declared, "the city of Domingo, where we design our first attempt, is intended by His Highness for a colony of the English, which, if destroyed by pillage, ruineth the whole design, making us incapable to reap the fruit of our success, if the Lord shall please to bless us with the same: I do therefore order and require officers and soldiers under my command not to pillage or plunder any money, plate or jewels whatsoever, or to waste or destroy any houses, tame cattle, or any other goods or things which are necessary for us to plant within the country, or to improve with the best advantage of his Highness the present design."[1] The men to whom these words were addressed were as unfit to be colonisers as to be soldiers, and preferred the wild gamble of pillage to the distribution of an evenly divided sum of money.[2] The order of the General led to an outcry, which portended little less than a mutiny when the time should arrive for putting it in force.

Apr. 13. Plunder to be commuted.

On April 13, the day on which the order was issued, the fleet was off San Domingo, near enough to the coast to descry the inhabitants hurrying to take refuge in the city. The commissioners had sensibly agreed that the troops should be landed near the mouth of the river Jaina, at the spot chosen by Drake on his famous expedition. This was far enough from the city to avoid the danger of surprise before the whole force had been put ashore, and near enough to it to enable the men to approach the object of their enterprise without a long and wearisome march. It was found, however, that a heavy surf rendered

The fleet off San Domingo.

Preparations for landing.

[1] Venables' *Narrative*, 14. Order by Venables, Apr. 13, Portland MSS., *Hist. MSS. Com. Rep.*, 13, ii. 91.

[2] Whistler's Journal, in the Appendix to Venables' *Narrative*, 150.

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landing impracticable at this point, and the greater part of the army was therefore sent to the westward, to find a safer landing-place at the mouth of the Nizao,[1] whilst a regiment and a half, under Colonels Holdip and Buller, was to be sent ashore to the east of the city, where they would be cut off by the river Ozama from any chance of joining in the assault, though they might render service by blocking the place on that side.

Apr. 14. The army landed.

On the 14th the bulk of the army was landed at the mouth of the Nizao without opposition, where there was a march of some twenty miles to the Jaina, and of about ten more from the Jaina to the city walls.[2] Orders had been given to supply the men with provisions for three days; but the orders were

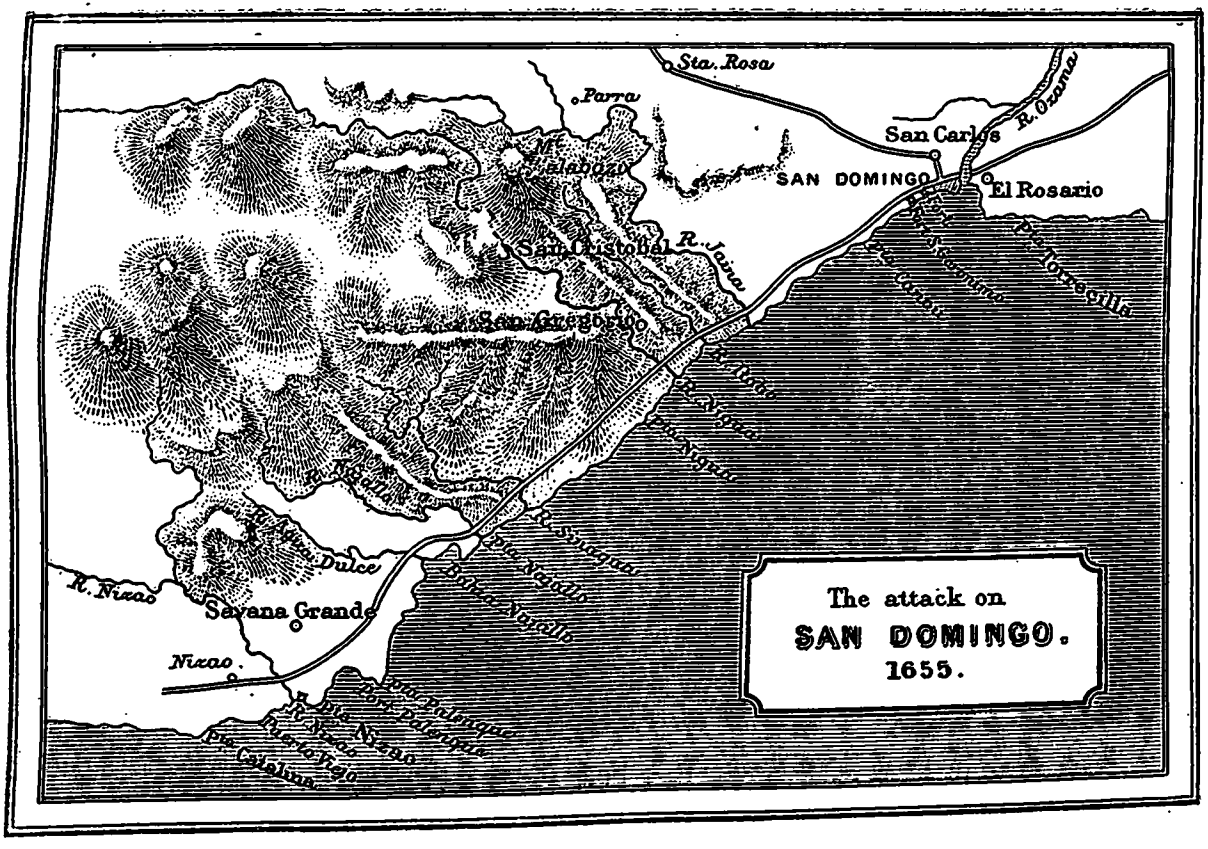
Apr. 14–16. A toilsome march.

but superficially carried out, as the sailors themselves were on short allowance and the naval authorities took care to put the soldiers on shorter allowance still. Even more distressing was the want of water. Not, indeed, that it was altogether lacking. Dry beds of streams had a few pools remaining in them, from which it was possible to drink, and occasionally a fuller stream slipped sluggishly past towards the sea. It had, however, never occurred to those in authority in England to furnish vessels in which water could be carried.[3] Venables, whose military experience had been gained in a land in which food

[1] The narratives on which my account is based are either printed by Mr. Firth in Venables' *Narrative*, or are referred to by him in the Preface. Venables held that the change of place was entirely due to Penn's carelessness or misconduct; but the account given above is far more probable, as Penn had nothing to gain by endangering the success of the expedition.

[2] As the crow flies it is about fifteen miles to the Jaina and about seven more to San Domingo, but the winding of the track must have lengthened the distance. Contemporary narratives naturally make it still longer.

[3] See the list of stores in *Thurloe*, iii. 203.


Sta. Rosa
Parra
San Carlos
R. Ozama
SAN DOMINGO
El Rosario
Mt. Calabozo
San Cristobal
R. Jaina
San Gregorio
Pta. Torrecilla
Pta. Canoa
R. Robo
R. Nigua
Pta. Nigua
R. Nagallo
R. Sinagua
Pta. Nagallo
Bahia Nagallo
R. Agua Dulce
R. Nizao
Savana Grande
Nizao
Pta. Palenque
Port Palenque
Pta. Nizao
R. Nizao
Puerto Viejo
Pta. Catalina
The attack on
SAN DOMINGO.
1655.

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was scarce and water plentiful, awoke too late to the gravity of the danger. "Whoever," he wrote, "comes into these parts must bring leather bottles, which are more needful here than knapsacks in Ireland." Yet, toilsome as was the march in the drought and heat, its hardships were not without alleviation. For seven miles the soldiers tramped along a lane overshadowed by orange trees, tempting them with fruit hanging within reach of the wayfarer's hand. In many cases over-indulgence brought on dysentery and fever, and not a few dropped out of the ranks to die.

A deserted monastery.

On the way the regiments stumbled on a deserted monastery. The image of the Virgin with the Saviour in her arms, rendered more attractive by the gold and jewels which stiffened her robe, was torn from its place in the chapel and pelted with oranges by these rough intruders on the sanctuary.[1] When, on the third day's march,[2] the Jaina was reached, the water was so high that it was impossible to cross it except by swimming.[3] Here Venables learnt that Buller, having failed to effect a landing to the east of San Domingo, had come on shore with his 1,500 men near the mouth of the Jaina, but, finding that the Spaniards had evacuated a small fort commanding the landing-place, had, in spite of instructions to the contrary, marched off in the direction of the city, taking with him the only guide. Buller would have done better if he had prepared the way

Apr. 16. Buller's escapade.

[1] In the Rawlinson MS. printed in Venables' *Narrative*, p. 130, this is said to have taken place near the Jaina. The same scene may easily have occurred twice.

[2] They had started at 4 P.M. on the 14th, and reached the Jaina in the afternoon of the 16th.

[3] As want of water is still spoken of, and as there was a bar across the entrance, the estuary was, no doubt, a tidal one.

for his commander by examining the river which the main army had to cross, as in default of such aid the afternoon and evening were spent by the wearied regiments in search of a ford. When darkness fell with tropical swiftness, the wanderers had not only failed in achieving their object, but had straggled from the river banks. Consequently, their three days' provisions having been already exhausted, they had to pass the night without food or water. When morning dawned the search for the ford was resumed, and the army was at last able to cross the river at some distance from its mouth; after which a plantation was reached, which provided water and a certain amount of food. In the afternoon the men resumed their march, tempted by a captured Irishman, who offered to bring them to the Ozama at a point above the city where they would find a sufficiency of water and be in a position to attack the place on its least guarded side.

Apr. 17. A fresh advance.

A terrible march.

The march from the Jaina was even more trying than that of the preceding days. Not a single stream now crossed the path, and what wells there were had either been rendered useless by the Spaniards or were under the protection of fortifications. The road, for some way at least, no longer led under the shade of orange trees, but was broad and hard, reflecting the rays of the glaring sun. Again and again, in disobedience to their officers, the men refused to march till they had rested. The return of Buller's men with a tale of suffering did not tend to raise their spirits, and when, at the parting of two roads, their Irish guide persuaded them to take the right-hand turning, which led, not to the Ozama, but in front of the fort of San Geronimo, which was situated on the sea-coast and commanded the way to the city, the

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want of water was hardly likely to be overcome. It might, however, be expected that 9,000 armed men could defend themselves from attack. The country was but thinly populated, most of the few inhabitants being cow-killers, who were armed with long lances for slaughtering the wild cattle which roamed amongst the woods and were valuable for their hides and tallow alone. As Venables, who was himself suffering from dysentery, was reconnoitring the fort, a party of these men dashed unexpectedly from an ambuscade on the advanced guard—or, as it was then called, the forlorn—and broke through it; after which they found little resistance till the seamen's regiment stood firm, and by their superior discipline converted what bid fair to be a rout into an assured victory. It was the only regiment in the whole army in which the bond of tried comradeship was strengthened by the habit of obedience to officers long known and trusted.[1] The material difficulties of the enterprise were not, however, lessened by the repulse of the enemy, and

An attack repulsed.

[1] Confidence in the account which assigns the merit to the seamen is strengthened by its being found in the journal of an officer of Fortescue's regiment. Whistler writes: "There did fly forth of the woods a party of the enemy which did lie in ambush upon our forlorn, and General Venables being one of the foremost, and seeing the enemy fall on so desperately with his lances, he very nobly ran behind a tree; and our sea regiment having this day the forlorn hope, did fall on most gallantly and put the enemy to fly for their lives, and coming where General Venables was got behind a tree, he came forth to them, but was very much ashamed, but made many excuses, being so much pressed with terror that he could hardly speak." Venables' *Narrative*, 154. Whistler, however, was not present, and is clearly in the wrong in representing the seamen as being in the 'forlorn.' Moreover, his malicious account—which no doubt reflected the ill-will of the fleet towards the soldiers—is explained by the writer of the letters printed in App. D. of Venables' *Narrative*, who tells us that after the skirmish 'the General came out of the wood . . . where he had lain hid beyond the enemy's ambush.' Evidently he had gone too far in advance, and had been cut off from his army by the men attacking from the ambuscade.

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though the Spaniards evacuated a smaller fort beyond San Geronimo, they first rendered its well unserviceable. In the evening Venables found himself in front of the wall of San Domingo unprovided with appliances for an attack, and with his men dropping fast from hunger and thirst. In spite of the remonstrances of some of the old soldiers he had no resource but to order a retreat to the plantation where the troops had found refreshment in the morning.

The city approached.

A retreat ordered.

The check was not altogether owing to the unmilitary qualities of the private soldiers. It was at least partially due to the mistake of trusting to the word of a perfidious Irishman and marching hastily to the Ozama, instead of waiting near the mouth of the Jaina till arrangements had been made with the fleet for the supply of necessaries to the soldiers. If Venables' memory is to be trusted, the mistake had arisen in consequence of his allowing himself to be overruled by Butler, who, as a single commissioner, had no authority to give him orders to a colleague.

Cause of the failure.

The mischief was now remedied. Communications were opened with the fleet, and arrangement made that provisions and other stores should be landed near the mouth of the Jaina, or sent in boats to meet the troops on the completion of their next advance. Venables himself took advantage of the delay to go on board to be nursed by his wife, a proceeding which drew down on him the rude jests of the men, many of whom were suffering from the same disease as himself, and who had no shelter or assistance as they lay on the bare ground. Their condition was rendered worse by the rainy season, which had now set in, and which threatened a rapid increase of the sickness whose ravages had been already felt. On the 24th, the much-needed supplies

The fleet to furnish provisions.

Venables on shipboard.

The rains set in.

Apr. 24. The army starts again.

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having been delivered, though ships were detached to take up their stations off the city and San Geronimo, their fire proved ineffectual, as, either from bad gunnery or because the men-of-war stood too far out to sea, no damage was done on either side. On the same day the army, dragging a mortar, and carrying provisions for six days, once more started, it might seem under more favourable omens. Yet it had accomplished but two miles when daylight failed. The rain had ceased for a time, and the night was passed without water, as no streams now crossed the line of march, and the supply from the fleet was not to be counted on till the neighbourhood of the city was reached.

Apr. 25. The march resumed.

On the morning of the 25th the exhausted troops once more addressed themselves to their enterprise. Slow and toilsome was the march, and it was only in the afternoon that San Geronimo was in sight. Once more Venables took no precautions to search the woods on either side of his march, and just as the head of the army was passing the fort, and all eyes were fixed on its guns, a party of cow-killers whom no estimate reckons above 200 dashed from behind the trees and charged the front ranks under the command of Colonel Murphy, an Irishman, eager, we may well believe, to avenge the wrongs of his suffering nation. The short pikes manufactured in Barbados were no match for the long lances of the Spaniards, and again the advanced guard turned and fled, carrying away one regiment after another in its rush of headlong panic. In vain Major-General Heane attempted to stem the tide. Isolated among the enemy, with but two comrades at his side, he fell mortally wounded, whilst one of his companions, wrapping the flag of England round his body, perished with him. Venables,

An unexpected rout.

weakened by disease, and only able to stand with the help of two men, did his best vainly to check the flight. Once more the steadiness of the naval regiment saved the army. Opening out to allow the fugitives to stream through its ranks, it then formed up, and drove the assailants into the woods.

After such a disaster all thought of renewing the attempt upon the city was of necessity abandoned. The army regarded Venables as an inefficient commander, and with even greater justice Venables regarded his troops as a disorganised rabble. Adjutant-General Jackson, a man of low character, prone to vicious indulgences, who had been the first to fly, was cashiered and sent to the hospital ship to swab the decks for the wounded. Other officers were also broken. Their disgrace could not restore discipline amongst the unruly mob which had followed them in flight. Bad as was the character of many of the men brought from England, that of the West Indian levies was even worse. It was to no purpose that Penn offered the assistance of the fleet, and actually rendered every service in his power. The spirits of the men had fallen too low for further exertion. In their flight they had thrown away their arms, and even the provisions they carried. On their return to the Jaina, as a party of 1,500 had thrown themselves on their faces to drink of the stream, the appearance of two of their own negro attendants scared them into the belief that the enemy was upon them. Numbers took to flight, and others leapt into the water, three being drowned before they could be rescued. On the 28th three of the commissioners—Penn, Winslow, and Butler—acknowledged that every single officer was of opinion 'that these people will never be brought to march up to that place again.'

Apr. 28. Officers punished.

Apr. 28. The commissioners acknowledge the task hopeless.

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In consequence of this conviction it was resolved to try whether an attempt upon Jamaica might be more successful. It was, however, difficult to keep order amongst the men till the fleet was able to receive them. By their fevered imaginations the noise made by the land-crabs as they moved down towards the shore was taken as the rattling of the bandoliers of a hostile army, whilst parties sent out to forage allowed themselves to be slaughtered with impunity by the smallest groups of the enemy. The rain poured down in torrents; hunger, too, was added to their miseries, and every horse was slaughtered for food before the island was abandoned.[1]

May 4. Hispaniola abandoned.

May 11. The fleet at Jamaica.

At last on May 4 the remains of the expedition embarked for Jamaica, the sagacious Winslow unfortunately dying on the voyage. On the 11th the noble anchorage now known as Kingston Harbour was reached. Three small forts on its western side were at once battered by Penn's guns, and as soon as the troops began to land the garrisons abandoned their posts. Venables, still under the power of disease, watched the landing from on board, muffled in his cloak, with his hat slouched over his face, not deigning to cast a glance on the men to whose misconduct he attributed his failure.[2] The next day the English occupied Santiago de la Vega—the Spanish Town of the present day—some six miles distant from the sea. The Spanish population of the island did not exceed 1,500 persons, of which 500 at the utmost were fighting men, who abandoned all thought of active resistance. The terms offered by Venables to these Spaniards were hard enough—

May 12. Santiago de la Vega occupied.

May 13. Terms offered,

[1] The Commissioners to Searle, April 28, Venables' *Narrative*, 30.

[2] According to Whistler, he looked 'as if he had been a student of physic more than like a general of an army.'

emigration within ten days on pain of death, together with the forfeiture of all their property. These terms, however, were no more than the counterpart of those exacted from the English settlers in Providence[1] when the Spaniards made themselves masters of that island in 1640. It was only on the 17th that they were accepted, and the Spanish Governor—so at least it was believed—surrendered himself as a hostage. Before long, however, it appeared that the Spaniards had merely entered into the negotiation to gain time to withdraw with their families and property to the hills, and that the pretended Governor was but an old man of no repute.

May 17. and accepted.

A Spanish trick.

In the meantime the military settlers were learning that colonisation has its dangers as well as war. Penn sent on shore every pound of biscuit he could spare, as, though herds of cattle were pastured on the savannah, this would not meet the demand for bread. On the 19th, indeed, the two long-expected storeships arrived, but the supplies brought by them were limited, and it was resolved to appeal for assistance to New England, and meanwhile to send home the larger ships, in order to diminish the number of mouths, leaving the frigates to remain on guard, or to cruise on the look out for prizes. Penn, disgusted at the failure in Hispaniola, and on bad terms with Venables, was easily persuaded that it was his duty to return in order to report in person on the situation, and on June 25, after appointing Goodson as his successor, he sailed for England with the homeward-bound division of his fleet. With far better excuse Venables, whose life was despaired of, resolved to follow his example, making over the military command to Fortescue, a capable and

Distress for food.

June 2 Penn sails for England, and is followed by Venables.

[1] Now New Providence.

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devoted officer, who had acted as major-general since the death of Heane.

Long before this catalogue of troubles reached the Protector the comparative failure of his great enterprise had been brought home to him. The first news of the rout before San Domingo reached him on July 24. The resolution to despatch the expedition had been forced through the Council by his own personal resolution, and its failure, therefore, stung him more sharply than any other catastrophe of equal importance would have done. For a whole day he shut himself up in his room, brooding over the disaster for which he, more than anyone else, was responsible.[1] On August 4 a letter from Venables announced the occupation of Jamaica, an island which, to save appearances, was given out either as part of Hispaniola, or at least as standing in the same relation to Hispaniola as the Isle of Wight to England.[2] No attempt to show that, island for island, Jamaica was more fit than Hispaniola to be the seat of an English colony could assuage the bitterness of Cromwell's meditations. He had aimed—in opposition to the common-sense of Lambert—not merely at planting one more colony in the Indies, but at making himself master of at least so much of the West India Islands and the American continent as would dominate the trade-route of the Spanish treasure-ships, and towards that end Jamaica, held—if held it could be—by a disorganised and cowardly mob, could contribute little or nothing.

July 24. News from the West Indies.

Aug. 4. A letter from Venables.

The Protector's annoyance.

Sept. 1. Arrival of Penn,

In such a mood Oliver was hardly likely to be

[1] *Merc. Pol.*, E, 850, 10; *The Weekly Intelligencer*, E, 851, 3; Cardenas to Philip IV., $\frac{\text{July 25}}{\text{Aug. 4}}$, *Simancas MSS.* 2529.

[2] Letter of Aug. 4, *Clarke Papers*, iii. 47; *A Perfect Account*, E, 851, 5.

very complaisant to the two commanders who had left the post of danger to others. On September 1 Penn arrived at Portsmouth, bringing with him a doubtful rumour that Venables was dead. On the 10th, however, Venables reached Plymouth, very weak, but in a hopeful way of recovery, and, continuing his voyage, notified his arrival at Portsmouth in a letter to Thurloe.[1] On the 20th both commanders were summoned before the Council to answer the charge of having deserted their posts. For Penn there was little to be said, as his presence was manifestly required at the head of the fleet remaining in the Indies, and which, weak as it was, might yet have to play its part in the defence of the new settlement in the not improbable case of a Spanish attack. Venables, on the other hand, was guilty at the most of saving his own life at a time when hundreds of his officers and men were perishing. It was out of the question that he could have lived long enough to render efficient service in Jamaica.

Sept. 10. and of Venables.

Sept. 20. Penn and Venables before the Council.

What Penn had to say for himself there are no means of knowing. Venables, truly enough, represented his own return as authorised by the officers serving under him. "Have you ever read," replied the Protector, "of any general that had left his army, and not commanded back?" Venables pleaded his health as affecting his historical memory, but after some hesitation produced the instance of the Earl of Essex of Elizabeth's day. "A sad example!" was Oliver's curt reply.[2] In the end both he and Penn were committed to the Tower. There was no intention of dealing harshly with either of them, but

Venables questioned by the Protector.

Both commanders sent to the Tower.

[1] Penn to the Protector, Aug. 31, *Mem. of Penn*, ii. 131; Mabbott to Clarke, Sept. 8; *Clarke Papers*, iii. 51; Venables to Thurloe, Sept. 12, *Thurloe*, iv. 27.

[2] Venables' *Narrative*, 71–88.

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Oct. 25. Liberation of Penn, Oct. 31. and of Venables.

Oliver had made up his mind not to set them at liberty till they had formally acknowledged their offences and had surrendered their commissions. Penn complied with these conditions on October 25. Venables, who was far less to blame, held out longer, and did not pass the prison gates till the 31st.[1]

Conduct of Penn,

Turning to the larger question of responsibility for the failure at Hispaniola, there is little to be said against Penn. He may have been to some extent jealous of his colleague, and he seems to have taken care that in the distribution of provisions the sailors should have a preference over the soldiers. After the final retreat, too, he, not unnaturally, expressed his contempt for the poltroons on shore, and that, too, not merely in words, but also by slackness in supplying the provisions of which they were in urgent need. In the actual conduct of the forces confided to him he was without reproach, ready, so long as hope was left, to aid and support the military forces to the utmost of his power.

and of Venables.

It is more difficult to characterise the behaviour of Venables, because the extreme physical weakness to which he was reduced leaves little opportunity of judging what energy he might have shown if his state of health had been other than it was. Yet, so far as it is possible to form an opinion, there appears to be no reason to object to the view which would relegate him to a place in that numerous body of officers who make excellent subordinates, but display their inefficiency in supreme command.

The fault mainly the Protector's.

It is the less necessary to pursue this subject further as the principal cause of failure must evidently

[1] Council Order Book, *Interr.* I, 76, pp. 296, 345, 353; Mabbott to Clarke, Sept. 22, *Clarke Papers*, iii. 52; Thurloe to H. Cromwell, Sept. 25, *Thurloe*, iv. 55; Penn's Petition Oct. 25, *S.P. Dom.* ci. 76.

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be sought elsewhere than in the misconduct of the commanders. It was not, indeed, to be expected of the Protector, overwhelmed as he was with political and administrative anxieties, that he should have applied himself—as he would have applied himself twelve years earlier, when he was a simple colonel of a cavalry regiment—to the details of service; that he should, for instance, have inquired into the provision of longer shafts for the pikes, or of leather bottles for the carrying of water. But—in all probability from sheer ignorance of tropical conditions—he had sent forth an army to establish England's supremacy in the Indies which, in the military sense, was no army at all. He had been told of the weakness of the Spaniards, and had a sincere conviction that he had Providence to friend. Of the war against the burning sun and of the waterless roots of the hills he had no conception. It was said, probably with truth, that out of the 9,000 who landed in Hispaniola there were but 1,000 old soldiers;[1] the rest were the rejected of English regiments or, still worse, the off-scourings of the West Indian colonies, not one of whom had seen service in any shape or form. Oliver, as ever, trusted in God. For once in his life he had forgotten to keep his powder dry.

[1] Venables' *Narrative*, p. 44.

CHAPTER XLVI.

THE BREACH WITH SPAIN.

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Oct. 8. Blake sails for the Mediterranean.

GREAT as was the indignation of the Spanish Government at the proceedings of Penn and Venables in the Indies, that aroused by Blake's action on the coast of Spain could have been no less. The attack on Jamaica was but an act of war committed without previous announcement; whilst Blake's hostility was but thinly veiled under the mask of friendship. All that can be said on the part of the Protector is that when he sent forth his two fleets he was still under the extraordinary delusion that he would be allowed to fight Spain in America whilst remaining at peace with her in Europe. At all events, at the time of Blake's final putting to sea on October 8, 1654,[1] more than two months before Penn's departure, England and Spain had a common enemy in France, so far as maritime captures were concerned, and for some time to come it would be to the interest of Spain to give comfort and support to Blake, whose first object was the ruin of French commerce in the Mediterranean.

Aug. 5. The Protector writes to Philip IV.

On this basis Oliver had on August 5 despatched a letter in advance to the King of Spain, requesting him to receive Blake as the admiral of a State in amity with himself.[2] How useful to Spain

[1] Blake sailed originally for Plymouth on Sept. 29, but was driven back by a storm. Weale's Journal, *Sloane MSS.* 1431, foll. 7–10.

[2] The Protector to Philip IV., Aug. 5, 1654, *Guizot*, ii. 486.

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was the appearance of the English fleet in the Mediterranean at that conjuncture may be gathered from the fact that the Duke of Guise was preparing to sail from Toulon at the head of an expedition designed for the conquest of Naples, and that Blake was ordered to frustrate that undertaking by attacking and ruining his fleet.[1] Having this object in view, Blake naturally met with the most friendly reception in the Spanish ports.[2] If his design was

The Duke of Guise's designs on Naples. Blake's instructions.

[1] Blake's instructions are not known to exist, with the exception of one of July 22, 1654, relating solely to his mission to Algiers, of which a copy, misdated 1656, and so calendared by Mrs. Everett Green, occurs in *Entry Book*, Charles II., No. iv. p. 17. I suspect that it was originally intended to send him merely to Algiers, which would account for the language reported by Sagredo. See *infra*, p. 448. Blake's employment against the Duke of Guise, which was probably an afterthought, is mentioned in a letter of Mazarin to Bordeaux of $\frac{\text{Dec. } 23}{\text{Jan. } 3}$, *Thurloe*, iii. 41. Cardenas, too, in his despatch of $\frac{\text{Dec. } 25}{\text{Jan. } 4}$, speaks of Blake's instructions to fight the Duke as well known. *Simancas MSS.* 2529. Compare an extract from a letter from the secretary of the Grand Duke of Tuscany published by Mr. Whitwell in the *Hist. Rev.* (July 1899, xiv. 536).

[2] According to Burnet (*Hist. of His Own Time*, i. 80), Blake had an altercation with the Spanish Governor of Malaga about an English sailor who had insulted the Sacrament, telling him that 'an Englishman was only to be punished by an Englishman.' The account given by Weale shows that the fleet arrived in Malaga Road about six in the evening of the 22nd, and left at noon on the following day. It may, therefore, be taken for granted that no shore-going was allowed during so short a stay; and Weale himself certainly remained on board, as is shown by his description of the general appearance only of the town. *Sloane MSS.* 1431, fol. 14. Weale's account of his landing at Alicante shows the footing on which the English were with the Spaniards: "This day went Mr. Whitehote, Mr. Eades and myself, and several of our officers ashore, this being a very great holiday amongst them. We saw their processioning, and were very courteously entertained by an English Father; his name is Thomas, a Jesuit amongst them. We did eat with them pomegranates and prepared quinces in abundance, and he gave us some at our coming away or departure." Weale, however, made his own comments: "It would have melted a heart of stone to have seen how the poor people went after and followed their deceivers, ravening wolves, anti-Christians; how they were obedient to all their follies; how they sang and played

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not carried out, it was simply because on his arrival at Naples he found that the Duke had abandoned his attempt, and had returned discomfited to Toulon.[1]

Dec. 12. His arrival at Naples.

Before undertaking further enterprises Blake was compelled to provision his ships, and he therefore sailed with the greater part of his fleet to Leghorn, which he reached on December 21.[2] He was there hospitably received, though forbidden for some days to hold communication with the shore[3]—a prohibition due to his having brought in two French prizes which had taken on board their lading at infected ports. The Grand Duke must have been the more satisfied with Blake's friendly bearing as he was aware that the Genoese had been urging the Protector to transfer the trade of his countrymen from that port to Genoa. It was true that some dissatisfaction had been caused in London by the sale at Leghorn of some prize goods captured by Prince Rupert from an English trader, and by the measures of retaliation taken by the Tuscan authorities in the time of the Dutch war, when the 'Phœnix' was recaptured by English sailors within the Mole of Leghorn. Oliver, however, though outwardly cour-

Dec. 21. Blake at Leghorn.

A Genoese intrigue.

in public places, and carried about their Virgin Mary through their town. The Churchmen and their friars did look like bull beef on us." *Ib.* fol. 14b. The last expression must mean that they looked as if they would like to eat them.

[1] A Letter of Intelligence, Dec. $\frac{8}{18}$; Longland to Thurloe, Dec. $\frac{8}{18}$. Boreel to the States General, Jan. $\frac{1}{11}$, *Thurloe*, iii. 10, 12, 102.

[2] Weale's Journal, *Sloane MSS.* 1431, fol. 17b.

[3] Blake to the Commissioners of the Admiralty, Jan. 15, *Add. MSS.* 9304, fol. 99. On the legend of Blake's exaction of money from the Grand Duke, and its probable origin in a diplomatic invention of the Genoese, see *Hist. Rev.* (Jan. 1899), xiv. 109. Even in the absence of the testimony there cited the truth would appear in the expression of the Tuscan secretary that the English fleet was in the port of Leghorn 'con i soliti termini di buona corrispondenza con S. A.' Extract from Gondi's letter to Banducci, Jan. $\frac{1}{11}$, *ib.* xiv. 536.

teous to Ugo Fiesco, the Genoese ambassador who had been sent to make the proposal, refused, after consulting the merchants, to countenance it in any way, though the Genoese had done their utmost to stir up ill-will in London by spreading the false news that English vessels were no longer safe in the port of the Grand Duke.[1] The truth was that the relations between the two Governments were on so friendly a footing that, a few days before Blake sailed from Plymouth, the Master of the Ceremonies called on Salvetti, the Grand Duke's minister in London, requesting in the name of the Lady Protectress that his master would send her his own portrait, together with those of the Grand Duchess and his young son, that she might add them to her collection.[2] Not only was this complied with, but a present of a cask of the choicest wine of Tuscany accompanied the

Friendly feeling between the Protector and the Grand Duke.

[1] The despatches of Ugo Fiesco, published by Signor Prager in *Atti della Società Ligure* (xvi. 209–281) should be compared with Salvetti's information, from which extracts are given in the *Hist. Rev.* (Jan. 1899, xiv. 110). That the story of Blake's exactions was of Genoese origin appears from the way in which it is mentioned in the newspapers: "From Genoa we hear that General Blake is about Leghorn, where, it is said, he doth expect some satisfaction from the Great Duke of Tuscany for the losses which the English have received before that port some few years since." *A Perfect Account*, E, 826, 15. In another newspaper we have as news from Genoa: "General Blake is still at Leghorn, from whence, it is said, he will not depart till he has received 150,000 crowns that the Great Duke of Tuscany is to pay for the damages done heretofore to the English ships within his port. Yet this is not believed." *Merc. Pol.* E, 826, 16. The last-mentioned newspaper, being a Government organ, was doubtless better informed than its contemporary, and added the note of warning at the end. "Da che," wrote Salvetti, "si vede assai chiaramente i buoni uffizii che vengono fatti dai Genovesi per rovinare il porto di Livorno ... ma io spero che non sia per riuscirgli; non ostante che questo lor ministro facci qui quanto puol mai per ottenere il suo intento fino ad offerire di prestare quà grossa somma di denari." Salvetti to Gondi, Feb. $\frac{2}{13}$, 1655, *Add. MSS.* 27,962 O, fol. 382.

[2] Salvetti to Gondi, Oct. $\frac{6}{16}$, 1654, *ib.* fol. 324b.

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portraits, a present which was received with gratification, though, in consequence of the delicacy of its flavour, the wine was ruined by the sea voyage, and proved undrinkable.[1] One request, indeed, made not by Blake, but by Longland, the agent of the Levant Company at Leghorn, met with a refusal. Asking—doubtless by the Protector's orders—for permission to erect a Protestant church at that port, he was told that the Grand Duke would take the matter into consideration whenever a similar demand was conceded in other parts of Italy.[2]

A request to build a church at Leghorn refused.

Blake's next object.

Having thus knitted firmly the good relations which, but for a passing cloud, had long existed between England and Tuscany, Blake found himself at leisure to fulfil another point of his instructions[3] which bound him to do his utmost to compass the liberation of Englishmen held in captivity by the Barbary pirates. The condition of these unfortunate prisoners, kept in slavery in Algiers, Tunis, Tripoli, and Sallee, had long called out sympathy in England, and in 1646 Edmund Casson had been sent out to the Mediterranean to negotiate for their liberty. At Algiers he was so far successful that he procured a treaty with the Dey assuring freedom of trade to English merchants, and an engagement that no Englishmen should in future be condemned to slavery. The treaty, indeed, would not affect the lot of the 650 English slaves captured before the date of its signature, but Casson was permitted to ransom

English captives of the Barbary pirates.

1646. Casson's treaty with Algiers.

[1] The history of these presents may be traced through Salvetti's despatches of 1655.

[2] Longland to Thurloe, $\frac{\text{Jan. } 26}{\text{Feb. } 5}$, *Thurloe*, iv. 464. This letter is wrongly placed amongst those of 165$\frac{5}{6}$.

[3] See *supra*, p. 373, note 1. No doubt the instructions there referred to, which only relate to Algiers, were afterwards enlarged so as to include the other Barbary ports.

some 240 of them with the consent of their masters, and it was only lack of means which prevented his bargaining for the remainder. From that time, though it is impossible to affirm that no English slaves were surreptitiously landed, the Algerines are at least known to have set free some which had been brought in by their ships. It is not improbable that similar treaties were concluded at Tunis and Tripoli, but we have no certain information on the subject.[1]

Unfortunately, if any understanding had been arrived at with Tunis, it was brought to an end by the villainy of an English sailor. In 1651 a certain Mitchell, having engaged to carry thirty-two Turks on board his ship to Smyrna, had scarcely left Tunis when, falling in with some galleys of the Knights of Malta, he sold his helpless passengers to their most deadly enemies, who sent them to tug at the oar in their galleys. Intelligence of Mitchell's conduct had no sooner reached Tunis than the whole city was stirred with well-merited indignation. The English Consul, Boothouse, was thrown into prison, whilst his countrymen went about in fear of their lives.[2] Luckily for him, Penn's fleet, which was at that time cruising in the Mediterranean,[3] made its appearance in Tunisian waters, and obtained leave to remove him,

1651. Villainy of Stephen Mitchell.

Indignation in Tunis. June 17. The English consul imprisoned,

[1] A copy of Casson's treaty, with additions subsequently made by Blake, is in *S. P. Barbary States—Algiers*, ii. fol. 252. Compare *A Relation of the Whole Proceedings concerning the Redemption of the Captives of Algiers and Tunis*, 1647, B.M. press-mark, 1432, i. 4. In a letter of Nov. 16, 1646, Casson writes of 'the business to be acted at Tunis,' and of sending the Parliament's letters to the consul and merchants there. It is therefore to be presumed that he carried on negotiations there, but this is all that can be said.

[2] Boothouse's complaint of his treatment at Tunis was heard in the Council on July 27, 1654. Council Order Book, *Interr.* I, 75, p. 454.

[3] See Vol. i. 349.

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1651 June 25. but allowed to go to Malta.

on condition that he would do his utmost to procure the redemption of the kidnapped Turks. Boothouse scraped together about 2,500*l.* and made his way to Malta, where he was baffled by the refusal of the Knights to liberate their slaves for less than 10,000*l.* Inflamed with anger at this failure to restore to freedom the men who were suffering through the violation of an Englishman's word, the Dey, not unnaturally, took his revenge by suffering his cruisers to bring in Englishmen as captives wherever they could light upon them.[1]

1655. Feb. 6. Blake aims at Tunis.

Accordingly Tunis was the object to which Blake's attention was first directed. Neither he nor the Protector appears to have taken into account the irritation which the wrong done by Mitchell had aroused. It was enough for them that Englishmen were held in slavery. Tunis itself, however, was unassailable by sea so long as the Fort of Goletta remained untaken,[2] it being placed astride on the narrow channel forming the only entrance into the basin at the extremity of which the city stands.

Feb. 8. He anchors in Tunis Road.

When, therefore, on February 8, Blake, with eighteen of his ships, arrived in Tunis Road, his object was merely to open negotiations with the Dey for the release of some sailors who had been captured in an English vessel named the 'Princess.' Finding him obdurate, Blake passed on to Porto Farina, where so much of the ancient harbour of Utica as had not yet been silted up sheltered nine of the Dey's men-of-war. These ships, as could be perceived from the sea, lay close inshore under the protection of a strong fort, whilst additional batteries were being thrown

Feb. 13. Blake off Porto Farina.

[1] Boothouse's Narrative, *S.P. Tunis.* Penn in his Journal mentions taking him on board on June 29, *Mem. of Penn*, i. 346.

[2] See map at p. 380.

up and guns carried on board. A considerable body of troops had also been brought to the place, in expectation that the English admiral would land troops in support of his naval operations. Blake, however, had no such intention, and an immediate attempt on the ships seems to have been considered out of the question, perhaps in consequence of the direction of the wind. On the 22nd a council of war decided that before making the attack the bulk of the fleet should be temporarily withdrawn to provision itself at a Spanish port, the beef which had been brought from England proving defective, and the stock of bread and liquor having fallen very low. On the following morning, therefore, Blake sailed for Cagliari, in the island of Sardinia, leaving eight frigates behind to blockade the Gulf of Tunis.[1]

Feb. 22. A resolution to provision the fleet before attacking.

It was not till March 18 that Blake was once more in Tunis Road, where he made yet another attempt to induce the Dey to yield. Finding him still impracticable, the Admiral made sail for Trapani, near the western extremity of Sicily, to take in water, hoping also to disguise by his departure his intention to attack the ships in Porto Farina.[2] There he remained till March 31. On April 2 a council of war, held as the fleet was beating up against a south-westerly gale,[3] resolved to enter Porto Farina as soon as the wind was favourable. On the 3rd Blake cast anchor in the Roads outside that harbour, which was at that

Mar. 18. Blake again off Tunis.

Mar. 23. He sails for Trapani.

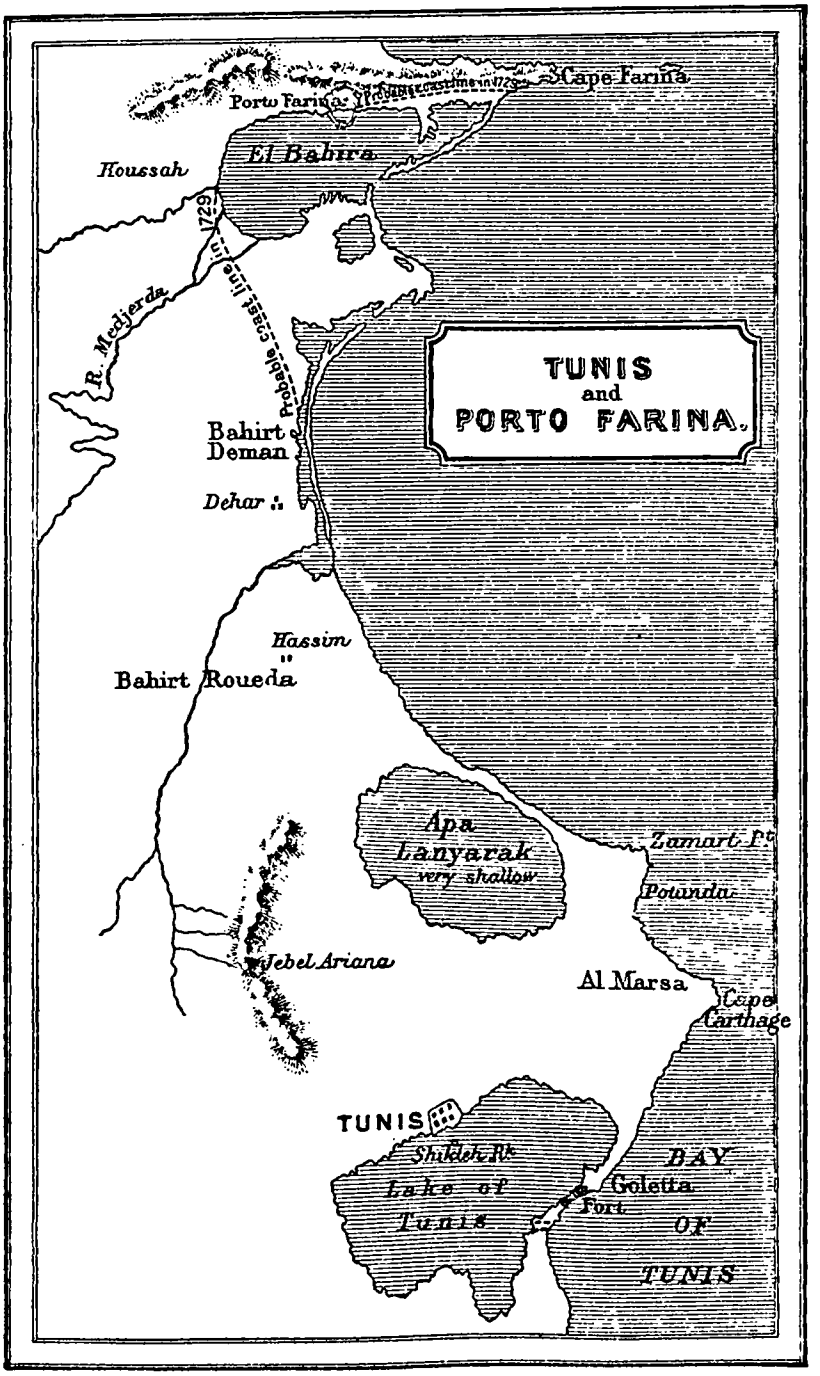
Mar. 31. He makes for Porto Farina,

Apr. 3. and anchors in the Roads.

[1] Blake to Thurloe, March 14, *Thurloe*, iii. 232; Blake to the Admiralty Commissioners, March 14, *Add. MSS.* 9304, fol. 103; Weale's Journal, *Sloane MSS.* 1431, fol. 20b–22b.

[2] Blake to Thurloe, April 18, *Thurloe*, iii. 390.

[3] One would think that, unless the violence of the gale was exaggerated, the captains must have come on board before leaving Trapani.


Cape Farina
Porto Farina
El Bahira
Houssah
1729
Probable coast line in 1729
R. Medjerda
TUNIS
and
PORTO FARINA.
Bahirt Deman
Dehar
Hassim
Bahirt Roueda
Apa
Lanyarak
very shallow
Zamart Pt
Pounda
Jebel Ariana
Al Marsa
Cape Carthage
TUNIS
Shikleh R.
Lake of Tunis
Goletta
Fort
BAY OF TUNIS

time a fairly wide-mouthed bay.[1] At daybreak on

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[1] Porto Farina, as laid down in the charts of the present day, is a shallow lagoon with an entrance so narrow that Blake could never have escaped from the trap when the action was over without a change of wind, unless the enemy had been utterly disabled. Moreover, it is inconceivable that the Turks, having so many weeks in which to make their preparations, would not have raised batteries at the entrance after the fashion of Goletta. There was, however, as late as 1729 an older coast-line, which was very different from the one given in our present charts. This is shown by a map published in Shaw's *Travels*, which were published in 1738, but which, as it was founded on his own observations taken in 1729, must be held to refer to that date (*Sloane MSS.* 3986, foll. 54, 55). His description of the locality, contained in a letter written by him on Oct. 10, 1729 (*ib.* fol. 56), is as follows: "A few miles within Cape Zibeeb," a point to the west of Cape Farina, "is Port Farina. The village, at present, is of small repute, but the port is a beautiful basin, safe in all accidents of weather, and where the Tunisians keep their small navy. Before the port is a large pond formed by the Medjerda, which discharges itself here into the sea. . . . As the shore is all along very shallow, and as the mud brought down by the Medjerda is always in great abundance, there seems to be nothing extraordinary why this river might not have shifted itself in time from one channel to another, till at last it retired to where it now is, and where those winds," *i.e.* the N.E. winds, "can give it no disturbance. Yet, even now, under this position, there is reason to believe that in a few years only it will be obliged to look out for another channel; for the pond or anti-harbour spoken of above, which was formerly an open bay or creek of the sea, till the Medjerda by degrees circumscribed those limits, is now almost filled up by the mud lodged there continually by the river; and the bar or mouth of it, which would likewise some years ago admit of vessels of the greatest burden, and a great number at the same time, is now so shallow and narrow that one vessel only of a hundred tons runs a great risk in entering it, and the cruisers of thirty or forty guns discharge all their lumber, guns and ballast while they lie at anchor without." I suppose there can be little doubt that the basin described by Shaw is the port within the moles, and the pond the existing harbour, though not then in its present form. I also notice that it was in Shaw's time difficult of approach on account of the narrowness of the entry. Shaw, however, speaks of a bar, not of points of land approaching one another, and though his language is ambiguous, I am inclined to interpret his description as implying two banks approaching one another, but both still under water. This, however, is of little importance for my purpose, as Shaw states that 'vessels of the greatest burden, and a great number at the same time,' could enter 'some years ago,' and therefore at the time of Blake's attack. The map on

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April 4. The attack on Porto Farina.

the 4th, favoured by a light westerly breeze,[1] he made his way inside with fifteen sail to attack the enemy's nine ships, lying inside two moles, on which batteries had been placed, in support of those in the large fort. Favoured by the sea breeze, which blew the smoke of the Tunisian guns into the faces of the gunners, he easily overpowered the batteries on the moles, and after a longer time also silenced those in the fort. In the meanwhile, the enemy being thus occupied, boats were despatched to set the Tunisian ships on fire. This object having been successfully accomplished, the English fleet had merely to fire an occasional shot into the burning mass in order to keep in check any attempt of the enemy to extinguish the flames. When all was over Blake's ships were warped out of the harbour, as the wind, continuing in the same quarter, did not permit the fleet to make its way back to the Roads under sail. Its loss was found to be no more than twenty-five killed and forty wounded, most of whom had been struck down by small shot aimed at the men in the boats.[2]

page 380 is founded on Shaw's map, though the moles have been added from a plan dated 1756 in *Add. MSS.* 13,959, No. 80. There is also a drawing of Porto Farina, dated 1777, in the British Museum, marked K. 117 (66).

[1] This is implied by Weale's statements that on the morning of the 3rd they had 'an indifferent fair gale' on the way from Trapani, and that the fleet warped out after the action on the 4th. Blake, too, in the letter cited in the last note speaks of having 'a gentle gale off the sea.'

[2] Blake to Thurloe, April 14, *Thurloe*, iii. 390; Letters from the Fleet, April 9, 18, *Perfect Diurnal* E, 840, 11; Weale's Journal, *Sloane MSS.* 1431, fol. 26. Weale distinctly speaks of the fleet as warping out. Blake's statement is that 'the same favourable gale continuing, we retreated out again into the Road.' He can only have intended to refer to the lightness of the wind, not to its direction, as the wind was, by his own account, off the sea at the time of his entrance. He contrasts it with the stormy weather mentioned afterwards as following.

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Blake's achievement.

The design, evidently planned with care, had been executed with a precision which left nothing to be desired. Students of naval history may look upon the achievement as a rehearsal of the destruction, two years later, of the Spanish fleet at Santa Cruz, and may count it as the first successful attempt to overpower shore batteries by the guns of a fleet.[1] No doubt, at Porto Farina as at Santa Cruz, failure to silence the enemy's guns would have been attended by mischievous, and probably by disastrous, consequences. It is the incommunicable attribute of genius not to be the slave of theoretical rules, but to judge how far they are applicable to each case as it arises. The superior gunnery of English ships[2] and the superior discipline of their crews gave Blake his chance, and of that chance he was not slow to avail himself. Within a few days after he had brought off his ships from a complete victory Penn and Venables were approaching the coast of Hispaniola to meet as complete a failure. If we are tempted to draw a contrast between the two enterprises, it is at least well to remember that Blake's task, hard as it was, was at least the easier of the two. He had undivided command over his own force, and he was not hampered by military considerations. He was placed at the head of a purely naval force, and in his hands a purely naval success, which left nothing more to be accomplished from a naval point of view, was the result.

Unfortunately, the object of Blake's presence in

[1] Fort Puntal was attacked by Wimbledon's guns in 1625, but it only surrendered to a land force.

[2] Blake was able to estimate the weakness of the gunnery opposed to him, as he had seen a good deal of it when he was last off Porto Farina, many shot having been then fired at his ships without any appreciable result.

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He fails to procure freedom for the slaves in Tunis.

these waters was unattainable without the assistance of a strong military force. On his reappearance before Tunis the Dey stiffly refused to make the least concession. The destroyed ships he alleged to be the property of the Sultan, and it was with the Sultan that Blake would have to reckon. If the English Admiral wished to negotiate, let him come ashore.[1] Blake knew better than to trust himself in such a trap, and as he also knew that his guns would not carry far enough to reach any part of Tunis, there was nothing for it but to return to Cagliari, though he had not procured the liberty of a single captive.[2] If Blake was led to express himself in apologetic language in his report to Thurloe, hoping that the Protector would not be offended at what had been done, 'though he expected to hear of many complaints and clamours of interested men,'—he was certainly influenced not merely by a supposed defect in his instructions, to which he had pointed in an earlier letter, but also by the knowledge that trade with Tunis, which had hitherto been carried on in spite of the captures made by Tunisian free-booters,[3] was likely to be brought to an end in consequence of the blow that he had struck.[4] Nor

[1] The Dey to Blake [April 7], *Merc. Pol.*, E, 841, 3.

[2] Blake to Thurloe, March 14, April 18, *Thurloe*, iii. 232,390.

[3] Weale's Journal shows that at the time of Blake's first arrival off Tunis an English ship was lying in the harbour, *Sloane MSS.* 1431, fol. 21. Blake, too, in his despatch of April 18, mentions sending a letter to Constantinople by 'the "Merchant's Delight" of London, which was then, by Providence, in the road of Goletta.' I do not know why some vessels were captured by the Tunisians and others not. Can it have been that only those bound for Tunis were spared?

[4] The best comment on this is to be found in the following information from London after the story of Blake's action was known there: "Il danno che l' Ammiraglio Blake ha fatto ai Turchi di Tunis ha messo questi mercanti di Levante in grande apprehensione d' avere a suffrire gran perdite in quelle parti, come anche rovinare affatto il lor

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was the trouble predicted by the Dey as likely to arise in Constantinople by any means imaginary. In London, at least, credit was for some time given to a rumour that the English ambassador in that city, Sir Thomas Bendish, had been put to death, together with all Englishmen on whom the Sultan was able to lay his hands, and that the massacre had been followed by a general confiscation of English property. In time, however, it was discovered that the report was without foundation, and that the Sultan had no inclination to take up the quarrels of a vassal so independent as the Dey of Tunis.[1]

Reported massacre at Constantinople.

Apr. 10. Blake leaves Tunis, Apr. 28. and anchors off Algiers.

After once more replenishing his stores at Cagliari Blake made for Algiers.[2] The Dey of that place, whose fortifications lay within reach of the English guns, and who had no offence received from English sailors to avenge, accorded him a most friendly reception. Since Casson's treaty[3] he had remained on fairly good terms with such English merchants as had visited his dominions, and had recently agreed to the ransom of a considerable number of English captives in the hands of his subjects. Blake's arrival quickened his good resolutions, and on May 2 Casson's treaty was renewed, with two additional clauses, of which the first extended protection to inhabitants of Scotland and Ireland, whilst the second declared that the agreement was not intended to cover the cases of Englishmen serving for wages on board foreign vessels.[4] After this numerous captives were

May 2. Casson's treaty renewed.

Captives ransomed.

gran commercio che hanno in quelle parti, come al certo seguirebbe mentre detto Ammiraglio Blake continuasse a minacciare quei barbari." Salvetti's *Newsletter*, $\frac{\text{May } 25}{\text{June } 4}$, *Add. MSS.* 27,962 O, 432b.

[1] Salvetti's *Newsletter*, July $\frac{5}{15}$, *ib.* 455b.

[2] Weale's Journal, *Sloane MSS.* 1431, fol. 26b–28.

[3] See *supra*, p. 376.

[4] Treaty, May 2, *S.P. Algiers.* Nieupoort, in his despatch of $\frac{\text{June } 29}{\text{July } 9}$, mentions a subsequent treaty with Tripoli. It is, however, certain

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given over to Blake upon payment of their value. A difficulty occurred when forty Dutch slaves made their escape from their masters and swam out to the fleet, as Blake had no money to buy the freedom of any who were not his fellow-countrymen. It was got over by the offer of his sailors to subscribe a dollar apiece for the freedom of these venturous Dutchmen. The tender was thankfully accepted by the Algerine masters, who may have thought it improbable that they would regain their living property, and the amount, at the motion of the sailors themselves, was deducted from their pay after their return to England.[1]

The sailors subscribe to free Dutch fugitives.

Blake supported by Spain.

Hitherto, whenever a chance offered, Blake's ships had picked up French prizes, whilst the assistance which he received from the Spanish authorities at Trapani and Cagliari had alone rendered his enterprise feasible. All through the winter the attitude maintained by the Protector in his relations with the ambassadors of the two countries had failed to show even an appearance of friendliness towards France, either because he wished to drive as hard a bargain as possible with Mazarin, or because, in spite of his knowledge of the intentions with which he had sent forth Penn and Venables, he was slow to realise the inevitable result of their attack on the Spanish islands in the Indies, and no less slow to accept the alliance of a Power which he believed to be ill-disposed towards the Huguenots, and which, if it succeeded in wresting Flanders from Spain, would occupy ports threatening English commerce. "Oh,"

1654. Dec. The Protector's attitude.

from Weale's Journal that Blake did not go near that place. As Nieupoort writes of the escape of the Dutch slaves as having occurred at Tripoli, it may be taken that he was really thinking of the treaty with Algiers.

[1] Longland to Thurloe, June $\frac{8}{18}$, *Thurloe*, iii. 526; Blake to the Admiralty Commissioners, Oct. 2, *S.P. Dom.* ci. 2.

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1654

He wishes Condé were a Protestant.

he had said to Stouppe in December, "if there were but means to bring the Prince" of Condé "over to our religion, it would be the greatest blessing that could befall our Churches. I hold him to be the greatest captain, not merely in our own age, but in many ages past. It is unfortunate that he should have engaged himself to those who seldom keep their promises."[1] Evidently, if he could have had his way, Oliver would have been as ready to take up arms against France as against Spain. Distrust of the French Government, however, did not imply any confidence in Spain. It was hardly possible that it should. Cardenas at that time was doing his utmost to worm out the secret of Penn's destination. He complained to his master that none of the confidants from whom he usually derived his information had been allowed to participate in the secret. All he could say was that there were rumours abroad that Penn was to sail in the direction, as some said, of Rochelle, or, as others said, of Madagascar. Reports of his object being either Cuba or Hispaniola, however, gained consistency as time went on.[2] An attempt to put a direct question to Oliver himself was naturally repelled. The ambassador could obtain no other answer from the Protector than that it was unheard-of for the minister of a foreign State to expect information on the secret designs of the Government to which he was accredited.[3]

Cardenas gains no information about Penn's object.

However dissatisfied Cardenas may have been, the complaints of Bordeaux were pitched in as high

[1] Barrière to Condé, Dec. $\frac{1}{11}\frac{5}{5}$, Chantilly Transcripts, *Add. MSS.* 35,252, fol. 227.

[2] Cardenas to Philip IV., Dec. $\frac{1}{2}\frac{8}{8}$, *Simancas MSS.* 2529.

[3] Bonde to Charles X., Oct. 19, 1655, *Stockholm Transcripts.* The story was told by Cardenas to Bonde, showing that he had no charge to bring against Oliver for having verbally deceived him.

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1654

a key. All through the winter and the early spring his negotiation dragged on. It was in vain that he announced that Mazarin was prepared to expel the Stuarts from France on condition of the expulsion from England of the agents of Condé and the city of Bordeaux; and that he would also consent to a mutual engagement between the two Governments to give no assistance to one another's enemies or rebels. Against this last condition Oliver took his stand. Never, he said, would he sign away his right to help the Huguenots against their Government if at any time their persecution should be renewed. Bordeaux was powerless to alter his resolution. Week after week he had to report that he had made no progress; and though he attempted to emphasise his own determination by demanding his passports, he repeated the request so frequently, without acting upon it, that he merely displayed his reluctance to break off his negotiation.[1]

Oliver will not abandon his claim to defend the Huguenots.

1655. Bordeaux often asks for his passports.

Oliver hopes to bring Mazarin to reason.

There can be little doubt that Oliver trusted to the blows he was striking at French commerce to bring Mazarin to what he conceived to be reason; and amongst those blows must be counted one which had been struck in North America in the course of 1654. On February 17 in that year, at a time when the Dutch Government was still resisting the English demand for the disqualification of the Prince of Orange from office, the Protector had commissioned Major Sedgwick to invite the New England colonies to raise a force for the conquest of the Dutch settlement of New Amsterdam, now known to the world as the city of New York. Sedgwick had done no

1654. Feb. 17. Sedgwick's commission.

[1] The despatches of Bordeaux for the first four months of 1655 should be compared with those of the Dutch ambassador in De Witt's *Bricven*, iii. 5-61.

more than make preparations for the execution of his orders when the news that peace had been concluded with the Dutch reached America. His commission, however, included what at that time was the usual clause empowering him to make reprisals on the French.[1] The New Englanders were accordingly glad to take the opportunity of serving under him in order to settle in their own favour a dispute about the border-line between their own settlements and the French colony of Acadia, which at that time included not merely the later Nova Scotia, but also the coasts of the present New Brunswick and Maine. With this object in view Sedgwick was so well supported that he was able to possess himself of the three forts held by the French in Acadia, and was consequently received by the colonists on his return with the warmest manifestations of their gratitude. The Protectorate revealing itself in such a guise had no warmer supporters than in New England, where it was accepted as a working of Divine Providence.[2] When the news reached England in October, Bordeaux found to his sorrow that the Protector showed no signs of an intention to surrender his new acquisition, and though for some months he lost no opportunity of pressing his claim for its restoration, he was forced to acknowledge that he had little prospect of success.[3]

July. Seizure of three forts in Acadia.

Oct. The Protector will not hear of restoring them.

If Bordeaux continued to believe that, so far as his main object was concerned, time was fighting on his side, it was because he suspected that the

1655. Bordeaux thinks that time is on his side.

[1] Sedgwick to the Protector, July 1, 1654, *Thurloe*, ii. 418. The commission, however, seems only to have given him leave to seize French ships, not to attack French settlements. Leverett to the Protector, July 4, *ib.* ii. 425.

[2] Leverett to the Protector, Sept. 5, *ib.* ii. 583.

[3] Bordeaux to Brienne, Oct. $\frac{1}{11}$, $\frac{\text{Jan. } 25}{\text{Feb. } 4}$, *French Transcripts, R.O.*

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Protector would ultimately be driven into war with Spain. Suspicion must have been changed into certainty when, towards the end of March, news reached London of Penn's arrival at Barbados,[1] and when, about the same time, the Protector warned the merchants trading with Spain not to embark their capital too deeply in that treacherous country, a warning which was repeated in the course of the following month.[2] Yet it is doubtful whether even at this late hour Oliver had positively determined to break with Spain. It was known that a Spanish ambassador, the Marquis of Lede,[3] was on his way towards England, nominally with a message of compliment, but in reality in the hope of renewing the good understanding which had formerly prevailed between the two countries. It is probable that before finally making up his mind Oliver wished to hear what the Marquis had to say, in the hope that Spain might be prepared at last to give way on the two main points in dispute. On May 11, when Lede announced distinctly that, whatever else might be conceded, his master would never give way either on the Inquisition or the Indies, all hesitation was at an end. The ambassador in vain engaged that his master's troops would join the English forces in recovering Calais, on condition that Oliver would join the Spaniards in recovering Bordeaux for Condé.[4]

April. Oliver still hesitates.

May 11. Lede refuses to give way on the Indies and the Inquisition.

[1] Salvetti's *Newsletter*, $\frac{\text{March 30}}{\text{April 9}}$, *Add. MSS.* 27,962 O, fol. 410b.

[2] Bordeaux to Mazarin, $\frac{\text{March 29}}{\text{April 8}}$, April $\frac{1}{2}\frac{8}{8}$, *French Transcripts, R.O.*

[3] Bordeaux gives his name as Leyde, and the mistake has been followed by Guizot and later writers. The family name of the Marquis was Bette. See Gobelinus, *Preuves de la Maison de Bette.* Lede is in East Flanders, near Alost.

[4] Papel presentado al Ser^mo^ Protector, May $\frac{1}{1}\frac{1}{1}$. It is published in *Remarques sur la reddition de Dunkerque* (ascribed to Hugues de Lionne), p. 5.

The French ambassador was at once informed that the commissioners appointed to treat with him were ordered to draw up a treaty with France. "I have never," he wrote to Mazarin, "had any word so positive before."[1] It was obviously to gain time to take the measures required by this change of front that the answer to Lede's proposition was delayed; and it was only on June 6, after a complaint from both the Spanish ambassadors,[2] that they were informed that the Protector would come to no terms with them unless they were empowered to give way on the questions of the Indies and the Inquisition, and also to make certain concessions to English trade in Spain, notified in a paper which had been placed in their hands about a fortnight before.[3] To this Lede had no reply to give except to refer the Protector to the King of Spain; and though, when the special ambassador took his leave on the 12th, he was dismissed with every expression of friendliness, he could discover no sign that Oliver had the slightest disposition to modify his demands.[4]

The negotiation with France to be seriously pursued.

June 6. The Protector's answer to Spain.

The effects of the failure of Lede's negotiation were most strongly felt in the instructions given to Blake. Scanty as is the evidence which has reached us, it is known that about the middle of April the

[1] Bordeaux to Mazarin, May $\frac{1}{11}$; Bordeaux to Brienne, May $\frac{1}{11}$, *French Transcripts, R.O.* The ambassador's first meeting with the commissioners was on the 16th; but he had expected them on Monday the 14th, so that the resolution must have been promptly taken—perhaps on Saturday the 12th, the day after Lede's audience.

[2] Lede and Cardenas to the Protector, *Thurloe*, iii. 154. The letter is undated, but was evidently written not long before June 6.

[3] The proposals on commerce are to be found in *Certain Passages*, E, 840, 7. Cardenas's despatch of June $\frac{8}{18}$, giving an account of this negotiation, is not to be found at Simancas, but its purport can be gathered from the instructions issued to him on Sept. $\frac{5}{15}$.

[4] Cardenas to Philip IV., $\frac{\text{June } 21}{\text{July } 1}$, *Simancas MSS.* 2570.

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April. A message to Blake.

Protector informed Blake that a supply of provisions for three months would shortly be forwarded to him —no doubt because the friendly offices of Spanish governors would not be available much longer; and there is reason to suppose that he at the same time added instructions for him to proceed to Cadiz Bay. At all events, these instructions were repeated and

April 30? It is confirmed.

confirmed on or about April 30.[1] Yet, even if these instructions contained a definite order to attack the homeward-bound treasure-fleet, Blake knew too well that the prize he sought to grasp was not to be expected in European waters so early in the year, and, leaving Algiers on May 10, he remained cruising off the Balearic Isles for some days before he made for the Straits. That he contemplated a breach with Spain in the near future as probable is shown by his

May 23. Rupert's guns secured.

despatching, on the 18th, two frigates to Cartagena to take on board the guns of Rupert's ships wrecked there in 1650, which he claimed as the property of the English Commonwealth. The request was promptly complied with, and when on the 30th the frigates rejoined Blake, who had by that time anchored off Cadiz, the Admiral found himself in possession of fifty additional pieces of ordnance.[2]

[1] The Protector in his letter of June 13 (*Thurloe*, iii. 547) speaks of two messages, one sent by sea in a ketch, and the other, which appears to have been written in confirmation of the first, by way of Leghorn. The former is shown by this letter to have been sent off before April 28. The proximate date of the other is known from a letter of Lawson's of May 1 (*S.P. Dom.* cviii. 9), in which he mentions sending on a despatch for Blake by Captain Nixon. Nixon was in command of the 'Centurion,' a large ship, and so can have had nothing to do with the ketch. He must have taken the messenger to some port on the other side of the Straits, and have sent him on to Leghorn overland.

[2] Weale's Journal, *Sloane MSS.* 1431, foll. 29b–31. Weale does not say that the guns had been Rupert's, but he treats them as belonging to the Commonwealth, and I cannot imagine that they can have been demanded on any other ground. The King of Spain had allowed the

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June 4. Blake puts to sea on the receipt of secret instructions.

On June 4 Blake put to sea. On the 12th, as he was lying off Cape Santa Maria on the Portuguese coast, he acknowledged to the Protector the receipt of secret instructions in confirmation of earlier ones, instructions which appear to have reached him before he left Cadiz, and must, therefore, so far as we can judge by the date, have been drawn up after May 11, the day on which Lede's memorial put it out of doubt that the King of Spain had no intention of giving way on the two points at issue between himself and the Protector.[1] Blake now wrote that the Plate Fleet was expected in four or five weeks, and that he intended to range the sea between the Portuguese and African coasts in the hope of intercepting it.[2] Lede's pronouncement on May 11 had thus led to definite instructions for the capture of the homeward-bound Plate Fleet, whilst his departure on June 12 led to no less definite instructions, given to Blake on the following day, to hinder, by the seizure of outward-bound ships, any relief or assistance being given to the Spanish possessions in the Indies. The order was accompanied by a full acknowledgment of Blake's services at Porto Farina, thus setting at rest any doubt as to their acceptance.[3] A paper of instructions added on the

June 13. Blake to stop supplies for the West Indies.

claim put in by Blake in 1650 for the contents of the wrecks. See Vol. i. 338. That the two frigates also brought off some anchors points in the same direction.

[1] The 'Amity,' which no doubt conveyed Blake's letter of the 12th, parted from the fleet on that day. She was, however, 'designed home' on the 1st. Weale's Journal, *Sloane MSS.* 1431, foll. 31b, 32b. She may not have been ready to sail; or Blake may have wished to keep her till he could announce that he was actually on the look-out. A message sent later from England on June 14 reached Blake on July 1, or in seventeen days. Blake to the Protector, July 4, *Thurloe*, iii. 611.

[2] Blake to the Protector, June 12, July 4, *ib.* iii. 541, 611.

[3] The Protector to Blake, June 13, *ib.* iii. 547. The letter as

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14th directed him to send home part of the fleet, whilst keeping his station with the remainder.[1]

Extension of the limits of war.

Almost imperceptibly the war was spreading beyond the limits originally designed. The claim to defend traders in the Indies was first held to justify an English admiral in intercepting, even in European waters, supplies sent to Spain from the Indies, and then to give a right to intercept supplies sent from Spain for the defence of the Indies. It could not be long before war would be openly avowed.

July. Preparations at Cadiz.

It was not Blake's fault that he was unable to gratify the Protector. The Plate Fleet, alarmed by the threatenings of war, had held back from crossing the Atlantic. In the meanwhile there was anxiety at Cadiz and a determination not to leave it to fall unsuccoured into the hands of the English. On July 6 Blake announced that a fleet was being got together in the harbour, and that Dutch and French ships had been taken up to strengthen it.[2]

Aug. 12. A Spanish fleet off Cape St. Vincent.

On August 12 he heard that it had actually sailed, and, having slipped past him, was beating up and down off Cape St. Vincent. Blake at once followed it up,

Aug. 15–18. It avoids an engagement.

and for four days did his best to bring on an action. The Spaniards, however, having no reason to commence a war unless in defence of their own treasure-ships, were successful in avoiding an engagement. "These checks of Providence," reported Blake, "did

printed begins with an acknowledgment of Blake's letter of March 25, as containing an account of the affair at Porto Farina. As this did not take place till Apr. 3, there must be a mistake of some kind. Blake's despatch relating to it was dated Apr. 18.

[1] These instructions, which have not been preserved, are referred to in Blake's reply, *Thurloe*, iii. 611.

[2] Blake to the Protector, July 6, *Thurloe*, iii. 620. The line only partially deciphered should be read: 'to set forth a force of ships to secure the Plate Fleet.' Compare Weale's Journal, *Sloane MSS.* 1431, fol. 37.

put us upon second thoughts." A council of war was called, when the instructions from home were carefully scanned without finding any authority to attack a fleet not bound for the Indies. Blake accordingly resolved to leave the Spaniards alone, all the more because his ships were foul from having been so long at sea, while his liquor was running short, some of his ships not having more on board than would serve for four days. Yet he kept the Spaniards in sight till the 22nd, and then, being assured by one of their captains that they had no order to begin the war, and also that they knew nothing of the coming of the Plate Fleet, made the best of his way to Lisbon, where he arrived on the 24th.

Aug. 18. A council of war.

Aug. 22. Blake makes for Lisbon,

Aug. 24. and arrives there.

On August 30 Blake announced to the Protector his purpose of returning to his station, if only his needs could be supplied. His account of the condition of his fleet was indeed pitiable. "How these passages of Providence," he wrote, "will be looked upon, or what construction our carriage in this business may receive I know not—although it hath been with all integrity of heart—but this we know, that our condition is dark and sad, and without especial mercy like to be very miserable: our ships extreme foul, winter drawing on, our victuals expiring, all stores failing, our men falling sick through the badness of drink, and eating their victuals boiled in salt water for two months' space, the coming of a supply uncertain—we received not one word from the Commissioners of the Admiralty and Navy by the last—and though it come timely, yet if beer come not with it we shall be undone that way. We have no place or friend, our recruits[1] here slow, and our mariners—which I most apprehend—

Aug 30. His complaint.

[1] *I.e.* supplies to make up deficiencies.

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apt to fall into discontents through their long keeping abroad. Our only comfort is that we have a God to lean upon, although we walk in darkness and see no light. I shall not trouble your Highness with any complaints of myself, of the indisposition of my body or troubles of my mind; my many infirmities will one day, I doubt not, sufficiently plead for me or against me, so that I may be free of so great a burden, consolating myself in the mean time in the Lord and in the firm purpose of my heart with all faithfulness and sincerity to discharge the trust while reposed in me."[1]

Sept. 13. The Protector leaves him to stay or return as he may think best.

The Protector's reply, written on September 13, was a model of the considerate treatment due to a faithful servant of his Government. Without concealing his persuasion that an attack on the Spanish fleet off Cape St. Vincent would have been in accordance with the Admiral's instructions, or that it would be desirable to carry it out even now, he left it to Blake to decide whether it would be best for him to remain at sea or to return to England. It was not, he explained, his fault that provisions had not reached the fleet. They had been sent away, but the ships carrying them had been driven back by a storm.[2] How great was Oliver's disappointment at Blake's avoidance of an action may be gauged from the very date of his letter. On September 13 Penn and Venables were already before the Council, and the whole miserable story of the failure of the attack on San Domingo was publicly known. It would have been something to have been able to set off against that disaster a victory over a Spanish fleet, however profitless that victory might have been. When,

[1] Blake to the Protector Aug. [30], *Thurloe*, iii. 719.

[2] The Protector to Blake, Sept. 13, *ib.* i. 724.

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therefore, Blake, having come to the conclusion that it would be ruinous to keep the sea longer, anchored in the Downs on October 6,[1] the talk in London was that he would find his way to the Tower.[2] Those who spread the rumour had little knowledge of Oliver's skill in the judgment of men.

Oct. 6. Blake's return.

It is not improbable that, in his interpretation of his instructions to Blake, the Protector was influenced by his growing assurance that the general war, which he deprecated, could not be avoided much longer. When the news from Hispaniola reached England on July 24, Cardenas, though qualifying Oliver's proceedings as infamously hypocritical, clung to the hope that he might be so alarmed at his danger on the one hand from Spanish fleets in the Indies, and on the other from English merchants exasperated by the ruin of their trade, as to draw back from the course on which he had entered. Unwilling to thrust himself forward at such a crisis, the Spanish ambassador sent Barrière to Whitehall about the middle of August to urge these considerations on the Protector. Barrière could, he thought, speak more freely as the representative of Condé, who had everything to lose from a breach between Spain and England. Whatever may have been the language used on both sides at that interview, the civility of the reception which Oliver accorded to the agent of one for whom he had the profoundest admiration was such as to lead Cardenas to imagine that a restoration of Jamaica was not impossible.[3] At Madrid no such illusions were cherished. The

July. The effect of the news from Hispaniola on Cardenas.

Aug. Barrière's interview with the Protector.

[1] Weale's Journal, *Sloane MSS.* 1431, fol. 39.

[2] Sagredo to the Doge, Oct. $\frac{1}{11}$, *Venetian Transcripts, R.O.*

[3] Cardenas to Philip IV., July $\frac{1}{11}$, Aug. $\frac{2}{12}$, $\frac{11}{21}$, *Simancas MSS.* 2529.

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Spanish Government persistently, and not unreasonably, believed that Oliver was determined on war.

Philip will not give way.

War, it may fairly be assumed, could at this stage only have been averted by Philip's acceptance of the conditions which Oliver had laid down in his answer to the Marquis of Lede.[1] Such concessions, entirely opposed to the principles which had animated the Spanish councils for more than a century, could never have been made by Philip, even if there had been no seizure of Jamaica and no threatening appearance of an English fleet off his own coasts. In the instructions to Cardenas drawn up on August 26, and finally despatched to him on August 31,[2] that ambassador was directed to demand an audience for the purpose of taking leave, and to cross the sea to Flanders as soon as possible. If the reason of this sudden departure were asked, he was to ground it on the claims, put forward in the answer made to Lede, to free commerce in the Indies, to an extension of the consideration hitherto shown to the consciences of Englishmen, and to commercial privileges unheard of in any former treaty. If anything was said about Jamaica, the Protector was to be told that what had happened there was in itself a breach of the peace, and that he knew it to be so. Nothing short of his abandonment of the three points, and offering reparation for the events in the Indies, could be accepted as satisfactory; but even in that case Cardenas was not to defer his leave-taking. If any fresh negotiations were opened, they must be conducted through some other channel.[3]

Aug. 26 / Sept. 5. Instructions to Cardenas.

[1] See *supra*, p. 391. [2] $\frac{\text{Aug. 31}}{\text{Sept. 10}}$, as we learn from Cardenas's reply.

[3] Instructions to Cardenas, $\frac{\text{Aug. 26}}{\text{Sept. 5}}$, *Simancas MSS.* There is a translation of them in *Guizot*, ii. 548, incorrectly dated October. That

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On September 17, before these orders reached the ambassador, it was known in London that Philip, not contenting himself with a mere demonstration of his resentment, had laid an embargo on all English goods and vessels in his dominions.

Sept. 17. Embargo in Spain known in London.

Loud was the outcry amongst the London merchants, and when, on October 9, Cardenas demanded an audience for the purpose of taking leave, those cries were redoubled, and found an echo in the clothing districts, where goods were largely manufactured for export to Spain. The Protector, in answer to the complaining merchants, reminded them that he had already warned them of their danger,[1] and he now advised them to set out a fleet of privateers to recoup themselves at the expense of Spain. The proposal fell on deaf ears, and Oliver was forced, if he went to war, to wage it on the now scanty resources of the Government. Yet he was aware that the feeling of the merchants was shared by many influential members of the Council, and it was probably this knowledge that led him to interpose delays in the way of the departure of Cardenas. On October 15 the Council met to take into consideration the Spanish demands, and some influential voices, among which it may safely be conjectured Lambert's was heard the loudest, were raised in favour of a policy of abstinence from aggression and the maintenance of peace. Oliver, however, spoke strongly against the abandonment of his great design, and, as usually happened when he was himself in earnest, he brought over the majority to his side. On the 17th Cardenas received his passport, but so clogged with unusual conditions that he refused to make use of

Oct. 9/19. Cardenas demands an audience to take leave. Dissatisfaction of the merchants.

Oct. 15. The Council decides on war.

Oct. 17. A passport sent to Cardenas.

the earlier date is right is shown by the action taken by Cardenas when he received them on Oct. 19/29.

[1] See p. 390.

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Oct. 27. He leaves London.

it; and when at last these obstacles were removed, and he was able to leave London on the 27th, the officials of the Custom House at Dover, surely not without a hint from Whitehall, broke open his chests and searched his baggage in the hope of discovering prohibited goods. It is to be hoped that this outrage was due to the misplaced zeal of some subordinate, and not to the Protector himself.[1]

Oct. 26. The Protector's manifesto.

On October 26, the day before Cardenas began his journey, the Protector ordered the issue of a manifesto in justification of his breach with Spain. The wrongs which Englishmen had suffered from the Spanish Government were recounted at large, and it was energetically asserted that Spain, not England, had begun the war in the Indies. As usually happens when contending parties put forward diametrically opposite views on the line of conduct pursued by themselves or their adversaries, it is necessary for those who desire to form an independent judgment to seek out the unexpressed axioms on which these various judgments are founded. In this case the search is attended with no difficulty. In Spain it was held as an axiom that the Indies, land and sea, were the property of the King of Spain. In England it was held with equal tenacity that the sea at least was free to all. These differences of opinion once admitted to exist, it is intelligible that Philip should

Nature of the Spanish claim.

[1] Cardenas to Philip IV., Sept. $\frac{17}{27}$, $\frac{\text{Sept. } 25}{\text{Oct. } 4}$, Oct. $\frac{6}{16}$, Oct. $\frac{15}{25}$, $\frac{\text{Oct. } 22, 30}{\text{Nov. } 1, 9}$. Before leaving Cardenas took care to secure the services of two intelligencers; whilst Barrière, who was left in England by Condé at the special request of Don Luis de Haro, remained till April 1656. Fiesque to Condé, Nov. $\frac{7}{17}$, Condé to Fiesque, Jan. $\frac{5}{15}$, $\frac{\text{March } 22}{\text{Apr. } 1}$, 1656, Chantilly Transcripts, *Add. MSS.* 35, 252, foll. 239, 241. License of transportation, *Interr.* I, 72, pp. 299, 301. The issue of the Declaration was kept back till after Cardenas was gone. Nieupoort to the States General, Nov. $\frac{2}{12}$, *Add. MSS.* 17, 677 W, fol. 176. A translation wrongly dated is in *Thurloe*, iv. 117.

believe it to be within his rights to make captives of Englishmen who traded in his seas without permission, and to put Englishmen to death who, in the teeth of his prohibition, were found as colonists on islands which, from his point of view, were as much his own as the seas which washed their coasts.

The English claim.

To Oliver also the case he was resolved to maintain appeared beyond dispute. "The just and most reasonable grounds," he began, "of our late enterprise upon some islands possessed by the subjects of the King of Spain in the West Indies are very obvious to any that shall reflect upon the posture wherein the said King and his people have always stood, in relation to the English nation in those parts of America, which hath been no other than a continual state of open war and hostility; at the first most unjustly begun by them, and ever since in like sort continued and prosecuted, contrary to the common right and law of nations and the particular treaties between England and Spain." The English, he continued, had of late years been so patient that some might regard the recent expedition as an act of aggression rather than, as it really was, an act of defence against the Spaniards, "who, as oft as they have opportunity, without any just cause or provocation at all, cease not to kill and slaughter, nay sometimes in cold blood to murder the people of this nation, spoiling their goods and estates, destroying their colonies and plantations, taking also their ships, if they meet with any upon those seas, and using them in all things as enemies, or rather as rovers and pirates; for so they . . . brand all nations, except themselves, which shall presume to sail upon those seas, upon no other or better right or title than that of the Pope's donation, and their first

The war begun by Spain.

The misdeeds of Spain recounted.

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discovering some parts of the West Indies; whereupon they would appropriate to themselves the sole signory of the new world."

A reversion to Elizabethan policy.

In Oliver's eyes it was no small justification that he was reverting to the policy of the Elizabethan sea-kings. Yet he never failed to fall back from general considerations upon particular facts. "As to the state of our quarrel in the West Indies," he explained, "whereas we have colonies in America as well in islands as upon the continent upon as good and a better title than the Spaniards have any, and have as good a right to sail in those seas as themselves; yet without any just cause or provocation—and when the question of commerce was not at all in the case—they have notwithstanding continually invaded in a hostile manner our colonies, slain our countrymen, taken our ships and goods, destroyed our plantations, made our people prisoners and slaves, and have continued so doing from time to time, till the very time that we undertook the expedition against them."

Attacks on Englishmen in the West Indies.

Acts of violence enumerated.

Omitting the very numerous acts of violence cited by the Protector as having been committed before the last peace in 1630, there were quite enough to justify his indictment. Providence and Tortuga had in 1627, at a time of war with Spain, been occupied by Englishmen as uninhabited islands. When peace was made in 1630 the case of these islands was passed over in silence; whereupon Charles I. had not hesitated to grant them both to a colonising company, which despatched settlers to occupy them. The Spaniards, however, refused to regard the occupation as legitimate, attacked one of the company's ships in 1633, and in the following year invaded Tortuga, destroyed the property of the colonists, and hanged,

Cases of Tartuga and Providence.

shot, or carried away as captives all the Englishmen in the island. In 1635 a similar attempt was made on Providence, and, though it ended in failure, it was renewed in 1640, when the colonists agreed to abandon the island with the loss of all their property. In 1651 another body of English settlers was attacked in Santa Cruz, and about a hundred of them killed; whilst the remainder, who hid themselves in the woods, gave up all hope of resistance, and made their escape to other islands. Then followed a tale of ships driven by stress of weather into Spanish ports, only to be seized with their cargoes. One ship was even captured on the high seas and carried into Havana, with the goods on board, where ship and goods were confiscated, 'and most of the men kept prisoners and forced to work in the bulwarks like slaves.' Another vessel, having sprung a leak off the coast of Hispaniola as she was returning from an English plantation, the crew were forced to put themselves ashore in a boat, where they were taken by the Spaniards 'and made to work like slaves in their fortifications.'

As such conduct could only be defended on the plea that the whole of the Indies was a Spanish preserve into which no one of foreign nationality could rightfully intrude, Oliver proceeded to deny that Spain could base any such claim either upon the arbitrament of Alexander VI., or upon prior discovery of lands she had never possessed or planted. The conclusion of this part of the manifesto was a stirring appeal to his countrymen. "We need not enlarge our discourse upon this subject; for there is not any understanding man who is not satisfied of the vanity of the Spaniards' pretensions to the sole sovereignty of all those parts of the world; but we

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have opened a little the weak and frivolous pretences whereupon the Spaniards ground all their cruel and unworthy dealings with the English in the West Indies —enslaving, hanging, drowning, and cruelly torturing to death our countrymen, spoiling their ships and goods, and destroying their colonies in the times of the greatest peace, and that without any just cause or provocation at all—that the English nation, reflecting upon the indignity of such proceedings against their own flesh and blood and the possessors of the same true Christian religion with them, might consider with themselves how the honour of this nation would lie rotting as well as their vessels of war, if they should any longer suffer themselves to be used, or rather abused in this manner, and not only excluded from commerce with so great and rich a part of the world against all right and reason, but also be accounted and executed as rovers and pirates for offering to sail or to look into those seas, or having any intercourse—though with our own plantations only—in those parts of the world."[1]

Oct. 17. Cardenas in self-defence.

On these words—appealing to our own generation even more than to Oliver's contemporaries—must be founded the justification of the policy on which the Protector had at last definitely embarked. Cardenas, in defending his master's conduct in a conversation with the Swedish ambassador before leaving England, had nothing to say on the Spanish ill-treatment of English colonists, except that Providence had been a mere nest of pirates; whilst he naturally inveighed against the Protector for his stealthy attack on Hispaniola and Jamaica, and spoke of the idea that it

[1] *Declaration*, Oct. 26, E, 1065, 1. The composition was probably the work of Fiennes, to whom other State Papers of the time are attributed.

was possible for the two nations to be at war in America and at peace in Europe as too childish to be discussed.[1] It is on these latter grounds, if at all, that our sympathies must be with the Spaniard. If Oliver had good cause for war, he did not open hostilities in honourable fashion. Though he was not bound to inform Cardenas of the destination of his fleets, he was bound, on the grounds of common honesty, to let him plainly understand, at the earliest possible moment, that an attack on Spain in some quarter of the globe would be the result of a refusal to grant the concessions he demanded.

[1] Bonde to Charles X., Oct. 19, *Stockholm Transcripts*. The dates show that Cardenas's words cannot be taken as a direct reply to the Declaration published nine days after they were spoken; but the Protector's complaints about the conduct of the Spaniards in the West Indies must have been conveyed to him verbally many times during the previous months.

CHAPTER XLVII.

THE PROTESTANT INTEREST.

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Effect of the breach with Spain on the relations between England and France.

As the outbreak of war with one country necessarily affects the relations of the belligerent Power with all others, it was inevitable that Oliver should be drawn closer to France as the distance widened between his own Government and that of Spain. In May, almost immediately after Lede's memorandum had made it certain that Philip had no intention of giving way,[1] Bordeaux found reason to believe that the commissioners appointed to treat with him had been instructed to apply themselves seriously to the settlement of outstanding disputes; and but for an unfortunate occurrence it is almost certain that a satisfactory conclusion would have been reached in a much shorter time than was in reality the case.

May 16. Bordeaux informed of the persecution of Protestants in Piedmont.

The commissioners, who on May 16 had left a satisfactory impression on the French ambassador,[2] informed him before taking leave that information had been received of a persecution of Protestants in the dominions of the Duke of Savoy, the cruelties exercised having been not only suggested by the French ambassador at Turin, but carried out by English regiments in the service of the King of France. If this proved to be true the Protector would be unable to enter into an alliance with the oppressor of his co-religionists, and he therefore

[1] See *supra*, p. 390.

[2] See *supra*, p. 391.

required an explanation before he could proceed further in the matter.[1] Bordeaux naturally retorted that as Catholics were persecuted in England his master was not bound to give account of the persecution of Protestants in his own dominions, far less in those of another prince. Finally, the commissioners told Bordeaux that all that His Highness desired of him was to convey to his master a hope that he would interpose in any way he pleased in favour of the injured Protestants.[2]

French mediation demanded.

Though the story told by the commissioners was in some respects exaggerated, and the persecution was in nowise due to the instigation of Servien, the French ambassador at Turin, it was not far from the truth. Westward of Turin the two Alpine valleys of the Pellice and the Chisone were inhabited by peasants whose ancestors had in the twelfth century imbibed the ascetic doctrines of Peter Waldez. Rejected by the Papal Church, they had formed a community apart

The Vaudois of the Alps.

[1] "Ils me dirent que son Altesse et le Conseil avait appris avec beaucoup de ressentiment la persecution des Protestans de Savoye, que suivant les advis de ce pays l'Ambassadeur de sa Majesté l'avoit suggeré et ses troupes, entr'autres quelques Regimens Anglois, executé avec un esprit de vengeance, que nos ennemis se servoient de ce prétexte pour refroidir les bonnes intentions de son Altesse, luy representant que la bienseance ne luy permettoit pas de s'unir avec sa Majesté dans le temps qu'elle faisoit persecuter lesdictz Religionnaires, et qu'ilz avoient ordre de me demander quelque satisfaction sur ce sujet." Bordeaux to Brienne, May $\frac{17}{27}$, *French Transcripts, R.O.* The commissioners diplomatically asserted that the enemies of France were making use of the affair of the Vaudois to keep up the estrangement between the two countries; but, considering what happened afterwards, it is justifiable, as I have done in the text, to lay the warning at Oliver's own door. Bordeaux says that the news was brought by Stouppe, and requested the commissioners to ask him 'ce qu'il avoit fait chez l'Ambassadeur d'Espagne samedy dernier et pour quel service il en avait reçeu deux mille francs ce mesme jour.' Saturday last was May 12, and the news must therefore have reached England not later than that day.

[2] *Ib.*

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under the name of Waldensians or Vaudois, but, coming in the seventeenth century under the influence of Geneva, they had dropped their older tenets in favour of the more recent doctrines of Calvin. Holding such opinions, they had had their full share of persecution; but the Dukes of Savoy, in whose Piedmontese territories their valleys were situated, had found it difficult to subdue them, and in 1561 Philibert Emmanuel granted them toleration within certain well-defined geographical limits. These limits did not include La Torre, Luserna, or San Giovanni, situated in the lower part of the valley of the Pellice, still less any places in the open plain.[1]

1561. Edict of toleration.

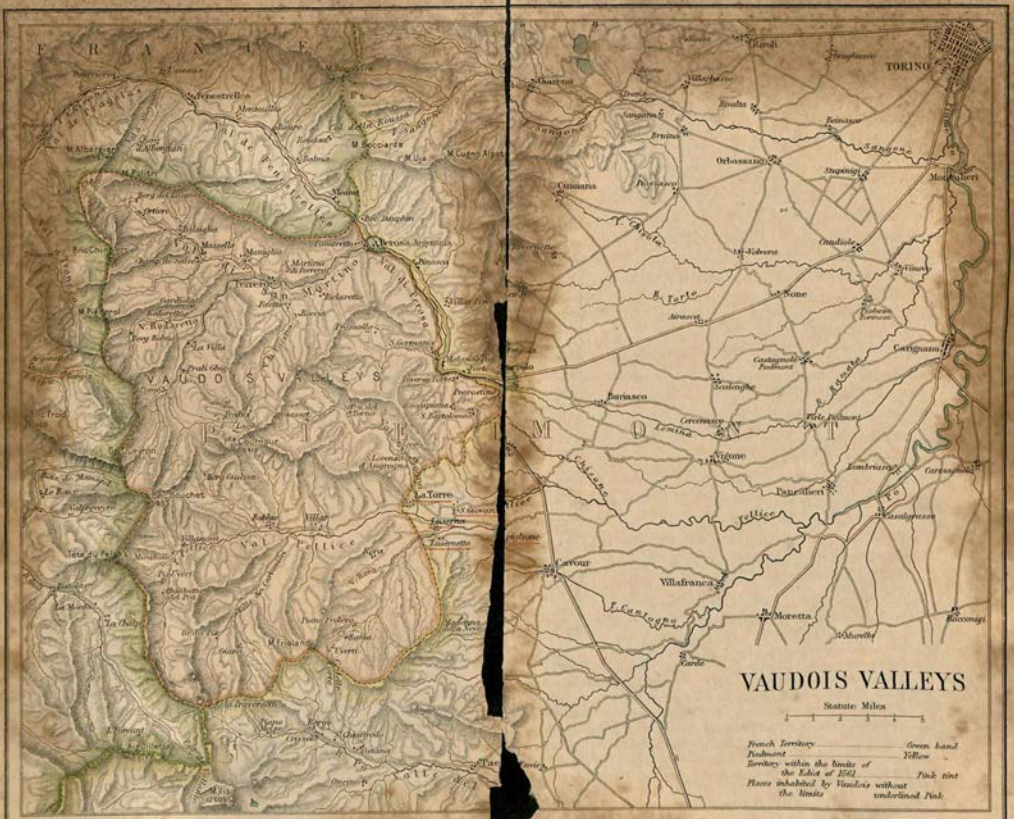
From 1638, when the Duchess Christina, the sister of Henrietta Maria, became Regent in the name of her son, Charles Emmanuel II., and who virtually governed the country for some years after he reached his nominal majority in 1648, a different spirit prevailed at Turin. On the one hand missionaries were introduced to convert the inhabitants of the valleys, and these missionaries, indiscreet and presumptuous even by the confession of their supporters, had at their disposal all the temptations, and sometimes the armed force, of the Government. The Vaudois on their part occasionally allowed their indignation to get the better of their prudence. In 1650, for instance, they burnt a mission-house at Villar. This and other similar offences, however, were condoned by the Government in 1653, when an edict was issued confirming the privileges granted in 1561 to all who lived within the limits then fixed;[2] on which consideration the Vaudois replaced the burnt mission-

1638. Government of the Duchess Christina.

1653. The edict of toleration confirmed.

[1] Edict, $\frac{\text{May } 26}{\text{June } 6}$, 1561. Morland's *History of the Evangelical Churches of the Valleys of Piedmont*, 237.

[2] *Ib.* 291.


FRANCE
VAUDOIS VALLEYS
PIEDMONT
TORINO
Pinerolo
Villar Perosa
Torre Pellice
La Torre
Angrogna
Bobbio
Villar
Luserna
Lusernetta
Rora
Vallecrosa
Prarustin
Pra del Torno
Pra Catinat
Balziglia
Massello
Malanaggia
Maniglia
Martina
Faetto
Fenile
Faetto
Faetto
Ferriere
Fontane
Fontanelle
Fontanelle
Fontanelle

house. It was also decreed that mass was to be said and the doctrines of the Roman Catholic Church proclaimed wherever the missionaries took up their quarters.[1] 1655

Though, with certain intermissions, the Duchess had on the whole been favourable to the maintenance of the privileges of the Vaudois within the limits defined in 1561, she had constantly testified her dislike of their extension to the plain. A sober and industrious race was unlikely to confine itself to the higher valleys, and the Vaudois, like most mountaineers, pushed down into the lower levels, filling the towns as traders and occupying farms in the open country. Their industrial energy was equalled by their religious zeal, and by 1650 they had erected no less than eleven temples—as their places of worship were styled—in places where they were forbidden even to take up their abode.[2] From time to time efforts had been made by the Government to put an end to what it regarded as an insolent defiance of its authority, but up to 1655 it had in every case recoiled before the resistance it provoked.

Vaudois settle outside the tolerated limits.

In January 1655, however, the Duchess, egged on by the fanatics who surrounded her, resolved to enforce the law. In January the auditor Guastaldo ordered, in the Duke's name, all families 'of the pretended Reformed religion' to quit Luserna, Lusernetta, San Giovanni, La Torre, Bibiana, Fenile, Campiglione, Bricherasio, and San Secondo, within three days,

1655. Jan. 16/26. Guastaldo's order.

[1] Muston, *L'Israël des Alpes*, ii. 261-94; Claretta, *Storia del Regno . . . di Carlo Emanuele II.*, i. 75-91. The first of these authors is a strong partisan of the Vaudois, the second an equally strong opponent; but they both refer to documents, many of them unpublished, and it is usually, though not always, possible to make out the truth between them.

[2] *Muston*, 280.

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under pain of death and the loss of their property if they remained outside the tolerated limits, unless within three days they declared their resolution to become Catholics or to sell their property to Catholics.[1] It was hardly to be expected that such an order would meet with prompt obedience. The Vaudois settled in the places named were for the most part not new-comers. Their families, their trade, and their possessions bound them to the soil, and they took the reasonable course of memorialising the Government, in the hope of obtaining such a permission to remain as had from time to time been granted them before. There was the more ground for complaint as the upper valleys, to which they were relegated, were not only covered with snow at the time, but had been impoverished by the action of the Government in quartering on the inhabitants a large number of French troops on their passage to or from the war which was at that time raging in North Italy. Their petitions, however, were waived aside, on the plea that their representatives were not empowered to tender a complete submission—the meaning of these words being, as they imagined, that they were expected to assent to the complete suppression of the liberty of their religion, even within the limits of the Edict of 1561.[2]

The Vaudois outside the limits petition for leave to remain.

The Duchess was resolved to enforce obedience,

[1] Guastaldo's Order, Jan. $\frac{1}{2}\frac{5}{4}$, 1655, *Morland*, 303.

[2] Much has been said about the murder of the parish priest of Fenile. *Claretta* (i. 94) throws the blame on Leger, the minister who took the foremost part amongst the Vaudois. Leger, on the other hand, throws it, not very probably, on a Catholic official, *Morland*, 310. The priest had made enemies by insisting on the duty of evacuating Fenile, and in the excited state of feeling which existed these persons are likely to have been at the bottom of the murder. The evidence as it stands hardly permits of a strong opinion on the subject. The important thing is that the Duchess, as will be seen, did not rest her case on the murder.

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and on April 6 the Marquis of Pianezza was despatched from Turin with a small force, which it would be easy for him to convert into a large one by the accession of troops already quartered in the neighbouring valleys. On the following day he found most of the villages in the plain deserted, and only late in the evening, as he approached La Torre, did he become aware that it was held by a considerable party of Vaudois. Sending forward a messenger to demand quarters for his men, he was answered that, in obedience to the late edict, those now in the place had removed their domiciles to the upper part of the valley, and that as they no longer possessed houses in La Torre they were unable to give quarters to his soldiers. Dissatisfied with so halting an explanation, Pianezza pushed on to the attack. The Vaudois within were desperate men, whose livelihood was at stake as well as their religion. Throwing up barricades, they defended themselves to the uttermost, and it was only in the early morning that, finding their position turned, they cut their way through their assailants and took refuge in the surrounding hills.[1]

April $\frac{6}{16}$. Pianezza leaves Turin.

April $\frac{7}{17}$. He attacks La Torre,

April $\frac{8}{18}$. and takes it.

[1] The story as given above is taken from *Muston* (303–310), who is here much fuller than *Claretta*. His narrative, he tells us, is founded on that of a Piedmontese officer preserved in the archives of Turin. He gives the number of the defendants as three or four hundred. Morland tells us that Pianezza 'fell into the Burgh of La Torre, where they met with not so much as one soul of the Protestants, save only a little company of eight or ten persons, who, not at all thinking that the enemy was there, were seeking up and down for something to satisfy their hunger; but so soon as ever they approached the convent they were immediately descried by the monks and the troopers, who had been there concealed several days before for that very purpose, who, to show the kindness they had for them, saluted them with a great volley of shot, whereby they slew upon the place one Giovanni Combe of Villaro, and hurt Pietro Rostain of La Torre; thereupon the rest, who saw themselves thus encompassed on every side, immediately fled for their lives.' Those who place implicit confidence on Morland—or rather in Leger, who supplied the materials for his book—should

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Different views of the affair.

The affair of La Torre necessarily made a different impression on the two parties concerned. To the Vaudois the attempt to force soldiers on their villages was but the commencement of systematic persecution. To the authorities at Turin the resistance to the troops was an act of avowed rebellion. Pianezza and his men held themselves at liberty to follow up their victory by an attack on the fugitives who had taken refuge amongst the hills. Whomsoever they lighted on they killed, setting fire to the houses and cottages.[1] For the next two days the advantage was not on the side of the assailants. Occupying well-chosen positions, with numbers increased from the neighbouring valley, the peasants repulsed all attacks till, on the 11th, the Piedmontese general invited to a conference the men whose defences he was unable to storm, and required them to receive garrisons into their respective villages. Lulling them to sleep by his apparent friendliness, he held back from suggesting to them any terms likely to be accepted, in the hope that their rejection of his demand for unqualified submission would enable him to make an example of them without compunction.[2] He had

April $\frac{8}{18}$. Pianezza attacks the fugitives.

April $\frac{11}{21}$. A negotiation.

examine carefully this extraordinary misstatement. No doubt reports of the wildest description were flying about, many of which he swallowed without discrimination.

[1] "Andarono scarmucciando per quelle montagnuole rentrezzando gli eretici, ammazzando molti ed abruciando qui sue case o cassine che possono prendere." *Muston*, ii. 312, note 1, quoting the Piedmontese officer.

[2] Muston says that the Vaudois agreed to the occupation of their villages, and that they were thereby tricked into letting him pass. Claretta thinks the Vaudois were in fault for refusing complete obedience. It is better to suspend judgment till the documents in the Turin archives are published. In the meanwhile, it may be remarked that an extract from a letter of April $\frac{13}{23}$ from Pianezza to the Duchess, printed by *Claretta* (i. 99), tells against the view that Pianezza was straightforward in the matter. He distinctly says that he did not wish to propose to the Vaudois the terms of their submission 'dubitando

his wish. On the 12th he pushed his troops up the valleys of Pellice and Angrogna. The peasants, taken unawares, were speedily overpowered. Then began a massacre, accompanied with such deeds of cruelty as befitted a rude and exasperated soldiery in whose ranks released criminals were to be found. In many cases, it is true, prisoners were taken and children were saved and sent to Piedmont, that they might there be educated in Catholic families.

April 12/22. The massacre.

It is indeed also possible that some of the tales spread abroad of hideous and unmentionable tortures were unfounded or exaggerated.[1] Yet, after all is said, the account of an eye-witness, Captain du Petit Bourg, a Huguenot officer, who threw up his

Petit Bourg's account.

se le proponeva cose mediocri che l'accettassero essi ed io mi legassi le mani, sicche non potessi poi tirar le cose a quell' alto segno del servizo di S.A.R. che io pretendevo, ed io per contro le scoprivo cosi sulla fine tutto il rigore non venisse a mettergli in total disperazione avante il tempo.' He says he had sent them back with orders to bring a better answer next morning, but when they came they only expressed in general terms their readiness to submit.

[1] Dr. Melia, in *The Origin, Persecutions, and Doctrines of the Waldenses*, 73-83, publishes a number of depositions taken in 1673-74, in which many of the most horrible cases which Morland derived from Leger are denied, and persons said by the same author to have been killed in 1655 are alleged to have died before that date, or to have been subsequently alive. The time in which the depositions were taken was too late for extreme accuracy, and though many of the witnesses were Vaudois, they may have spoken under pressure. Still, I think that the exception to Morland's account is in the main justified. A letter from the Vaudois written on April 17 speaks of the soldiers as having 'cruelly tormented no less than 150 women and children, and afterwards chopped off the heads of some and dashed the brains of others against the rocks.' Of prisoners who refused to go to mass, they 'hanged some, and nailed the feet of others to trees, with their heads hanging towards the ground.' This is bad enough, and possibly some abatement must be made on the score of the excitement in the midst of which the writers were living; but at least there is no specific mention here of the worst of the unmentionable horrors detailed by Morland. It does not of course follow that some of them did not occur.

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commission in a French regiment rather than take a part in such villainy, goes far enough to justify the resentment of the Protestant populations of Europe. Petit Bourg had been authorised by Servien to offer his mediation between Pianezza and the Vaudois. Though his intervention was refused, he remained with the army, and subsequently gave an account of its proceedings. "I was witness," he wrote, "to many great violences and extreme cruelties exercised by the Piedmontese outlaws and soldiers on persons of all sorts and conditions, and of both sexes. I saw them massacred, dismembered, hanged, burnt and violated, with many frightful conflagrations.[1] . . . It is certain that, without any distinction of those who made resistance from those who made none, they were used with every sort of inhumanity, their houses burnt, their goods plundered, and when prisoners were brought before the Marquis of Pianezza, he gave, in my sight, order to kill them all, because his Highness wished to have none of the religion in his dominions. And as for what he protests . . . that there was no damage done to any except during the fight, and that not the least outrage was committed upon any persons unfit to bear arms, I do assert and will maintain that it is not so, as, having seen with my eyes several men killed in cold blood, as also women, aged persons and young children miserably slain."[2] The inclemency of the weather came to the aid of the persecutors. A heavy fall of snow blocked the passes, and many of

[1] 'Plusieurs effroyables incendies.' This probably means that houses were burnt. Morland translates 'with many horrid confusions.' According to the *Relation véritable de Piedmont*, many persons were burnt with the houses. The worst horrors in Morland's list are to be found in this book, published at Villafranca in 1655.

[2] Petit Bourg's Declaration, Nov. 27, 1655, *Morland*, 333.

the fugitives were either swept away by avalanches or perished of cold and hunger.

An official calculation.

According to an official calculation made about three weeks after the massacre, out of 884 persons in the two communes of Villar and Bobbio alone, there were 55 refugees in France or in the mountains, whilst 75 were prisoners or scattered in Piedmont. Of the remaining 759, 36 had perished in an avalanche, 274 had been killed, whilst no less than 449 had renounced their religion, and professed themselves to have adopted the faith of their persecutors. The number of this last class is the surest measure of the terror that had fallen on the valleys.[1]

May 24. The Protector writes to European Powers.

Such was the news, exaggerated, it may be, like that of the Irish massacre in 1641, which reached the Protector towards the middle of May. On the 25th he despatched Samuel Morland, who had been attached to Whitelocke in his Swedish embassy, as the bearer of a letter composed by Milton, in the hope of rousing the Duke of Savoy to a sense of his iniquity. It was supported by another written on the same day to the King of France, diplomatically assuring him that it was scarcely credible that any of his troops had taken part in the massacre, and asking him to use his influence with the Duke to obtain what reparation was still possible. In another letter he reminded Mazarin of his own tolerant practice, and hinted that the all but successful close of the negotiation in England was an argument for yielding to his wishes in this matter. To Protestant rulers Oliver wrote in another style. He had long had it on his mind to gather round him a league in defence of the Protestant interest, and he now urged the Kings of Sweden and Denmark,

[1] *Muston*, ii. 306, note 1.

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the States General, and the Prince of Transylvania, to join him in obtaining redress for so unparalleled a wrong.[1]

May 16. The negotiation with Bordeaux.

In the letters to France and Piedmont not the shadow of a threat was to be found. The Protector's earnestness in the matter was clearly, though delicately, shown in his negotiation with Bordeaux. On the 16th the English commissioners were allowed to exhibit every sign of eagerness to complete the treaty. On the 24th, however, Thurloe informed the ambassador that the Protector would sign nothing till an answer had been received to the missive which he was about to despatch.[2] That nothing on his part might be left undone, Oliver on the day on which his letters were sent off issued a Declaration appointing June 14 as a day of humiliation, and inviting English Protestants, as being under safe protection, to contribute out of their means to the help of the miserable survivors of the massacre.[3] On second thoughts it appeared better to reinforce this appeal by a house-to-house visitation by the minister and churchwardens of each parish. Six weeks later, when it was found that many parishes had contributed nothing, a proclamation called on these laggards to fulfil their duty, and enjoined upon those parishes in which a collection had been made to send in the proceeds without delay.[4] The Protector's own name headed the list

May 24. Nothing to be signed till an answer is received from France.

May 25. A collection ordered,

June 1. and a house-to-house visitation.

July 12. A fresh proclamation.

[1] Milton's *Prose Works*, ed. Symmons, vi. 25–28; Hamilton, *Original Papers Illustrative of the Life . . . of John Milton*, p. 2; *Masson*, v. 184–190.

[2] Bordeaux to Mazarin, $\frac{\text{May 24}}{\text{June 3}}$, Bordeaux to Brienne, $\frac{\text{May 24}}{\text{June 3}}$, *French Transcripts, R.O.*

[3] Declaration, May 25, *S.P. Dom.* xcvii. 82.

[4] Instructions by the Protector, June 1, *S.P. Dom.* xcviii. 4; Proclamation, July 12, Council Order Book, *Interr.* I, 76a, p. 75.

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of subscribers with a magnificent donation of 2,000*l.*, and in the end the collection amounted to 38,232*l.* The amount was so large that, after meeting all the necessities of the case, no less than 17,872*l.* remained in the hands of the treasurers, who, with the assistance of an influential committee, had been appointed to guard the fund. This sum was put out at interest, the dividends being destined to provide pensions for sufferers and to meet any fresh needs that might arise. So long as the Protectorate lasted this source of revenue continued intact.[1]

Large sums collected.

In the meanwhile the Protector's diplomatic intervention had not been without result. Morland, the bearer of the letters, reached the French Court at La Fère on June 1. On the next day Louis's answer was placed in his hands. In it the French King gave assurances that his troops had been employed without his knowledge, adding that he had already signified his dissatisfaction with the use to which they had been put, and had given orders that such of the fugitives as had taken refuge in French territory should be kindly treated. He would continue to entreat the Duke to re-establish the unfortunate sufferers within the limits assigned them by his predecessors.[2] Two results may be deduced from these phrases. In the first place, France would

June $\frac{1}{11}$. Morland at the French Court.

June $\frac{2}{12}$. The French reply.

[1] The original accounts, as well as the minutes of the committee, are in the Record Office. A useful summary of the former is given by Mr. W. A. Shaw in the *Hist. Rev.* (Oct. 1894), ix. 662. This may be compared with an abstract given in *Morland*, 586. On July 9, 1659, Parliament misappropriated some of the capital, but this was after the fall of Richard Cromwell.

[2] "Je continuerai mes instances envers ce prince pour leur soulagement et pour qu'il consente qu'ils puissent rétablir leurs demeures aux lieux de ses états esquels il leur avait été concédé par les ducs de Savoie ses prédécesseurs." Louis XIV. to the Protector, June $\frac{2}{12}$, *Guizot*, ii. 522.

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intercede but would not threaten. Oliver, indeed, had asked for no more than this; and, in fact, the doctrine that each prince was responsible to no external Power for his treatment of religious questions arising in his own dominions had not only been consecrated by the recent Treaties of Westphalia, but was firmly rooted in the conscience of Europe, being even accepted by Oliver himself, who would not have hesitated to give a sharp answer to any foreign ambassador who ventured to question his right to deal at his own pleasure with the Irish Catholics. In the second place, Louis did not propose even to ask the Duke of Savoy to repatriate the exiles outside the limits fixed by the edicts of his ancestors. The Protector, who was himself acting much on the same principle when he transplanted Irishmen to Connaught, must be content if the system established in 1561 were reverted to, and all Vaudois refusing conversion to the religion of the State required to fix their domicile within the assigned limits.

May. Pressure put by Mazarin on the Duchess.

The French Government had already acted in accordance with the spirit of the King's engagement. It is true that in the letters sent to Servien at Turin, before Morland's arrival at La Fère, no pretence had been made of showing pity for the sufferers. The ambassador was to found his case on merely political considerations. The Duchess was to be urged to consider that her own States would suffer if the hostility of England and the Protestant cantons of Switzerland were roused against her at a time when all her energies should have been devoted to the war against Spain.[1] From this argument Mazarin never varied. On the other hand, the Duchess defended the rectitude of her conduct, and

[1] Le Tellier to Servien, $\frac{\text{May } 23}{\text{June } 2}$, Brienne to Servien, $\frac{\text{May } 25}{\text{June } 4}$, *Arch. des Aff. Etrangères, Savoie*, xlix. foll. 299, 301.

at first declined to concede anything. Her position was simply that the Vaudois, by refusing to obey legal orders to depart from the places in which the edicts had forbidden them to settle, had committed an act of rebellion, which had been legitimately punished.[1] The Duchess held out for some time, and, when Morland appeared and remonstrated in strong language, she contented herself with expressing her regret that the Protector had been deceived by false reports of what was in reality a fatherlike and tender chastisement.[2] To Servien she confided her opinion that the English Government might have been less trenchant in their criticism, considering the measure they were dealing out to their own Catholics. Her real feelings were further exhibited in the assertions of her representatives that there was no evidence that the Edict of 1561 had been actually signed by the Duke of that day; and that, even if his signature could be proved, he had no power to bind his successors. It was precisely the suspicion that such arguments as these would be broached, and that their religious existence was at stake, even within the limits assigned to them, that had roused the Vaudois to the resistance now qualified as rebellion.[3]

June $\frac{14}{24}$. Morland's remonstrance. Explanations of the Duchess.

[1] "S. A. R. Monsieur mon filz ayant essayé inutilement par la voye de la douceur et de la négotiation de ramener à leur devoir les hérétiques des vallées de Luzern, ses sujets, qui en estoient écartez par la désobéissance à ses ordres, et par le mespris de son auctorité, accompagné d'une manifeste rebellion; elle a esté contrainte d'y employer la force de ses armes, qui ont eu par tout l'heureux succez." The Duchess of Savoy to Mazarin, $\frac{\text{Apr. } 27}{\text{May } 7}$, *Arch. des Aff. Etrangères, Savoie*, xlix. fol. 234. There is not a word here of any special misbehaviour of the Vaudois. Everything is charged to their disobedience.

[2] *Morland*, 568, 575.

[3] Servien to Brienne, $\frac{\text{June } 30}{\text{July } 10}$, *Arch. des Aff. Etrangères, Savoie*, xlix. fol. 392; *Morland*, 579.

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July $\frac{19}{29}$. Morland leaves Turin.

July $\frac{19}{29}$. Pardon offered by the Duke. Pressure put on him by Mazarin.

On July 19 Morland left Turin, after receiving a formal memorandum in which, after the case for the Piedmontese Government had been duly set forth, the Duke ended by expressing his intention to pardon his rebellious subjects at the intercession of His Highness.[1] As a matter of fact, it was not to His Highness that the Court of Turin made this concession. Mazarin had been doing his utmost to trample out a fire so dangerous to his own schemes. Having rejected a proposal, made through Pianezza, that the King of France should take over the heretic valleys in exchange for some other territory, he urged the Duke and Duchess to give way with a good grace. There was the more reason for him to require haste as voices had already been raised in Paris to object to the way in which he was employing his influence, on the ground that England, however powerful, could not send an army or a fleet into a Piedmontese valley. It was quite true, wrote Brienne to Servien; but it was also true that English money could raise troops in Switzerland, and that English influence might stir up the French Huguenots to give assistance to their brethren on the other side of the Alps.[2]

Intervention of the Swiss and the Dutch

Mazarin's intervention had the greater weight as there were signs that Oliver had part, at least, of the Protestant world behind him. The Swiss Protestant cantons and the United Provinces were sending envoys; whilst before the end of July he not only directed Pell, his agent in Switzerland, to support Morland, who was by that time at Geneva, but

[1] *Morland*, 580.

[2] Brienne to Servien, July $\frac{8}{18}$; Servien to Brienne, July $\frac{14}{24}$, Brienne to Chauvelin, $\frac{\text{July } 28}{\text{Aug. } 2}$; Brienne to Servien, $\frac{\text{July } 24}{\text{Aug. } 5}$, *Arch. des Aff. Etrangères, Savoie*, xlix. foll. 410, 446, 471, 479.

despatched a third agent—George Downing[1]—to encourage them both. In order to give an air of spontaneity to the concessions he was compelled to make the Duke summoned representatives of the Vaudois to Pinerolo, where on August 8 he issued a pardon to all concerned in the rebellion, even enlarging the limits of toleration so as to include La Torre and part of the commune of San Giovanni; whilst he prolonged to November 1 the time within which those whose property lay outside the new limits were required to dispose of it.[2] It had originally been intended that the French and Swiss ambassadors should sign the Duke's pardon in the character of mediators. Servien, however, purposely absented himself, with the intention of making it impossible for the Swiss to append their signatures, hoping by this means to strengthen the presumption that the pardon was a free act of grace on the part of the Duke.[3]

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Aug. 8/18. The Duke issues a pardon.

Though Oliver had to some extent got his way, he was far from satisfied either with the extent of the concessions or with the way in which they had been made. On September 10 he ordered Downing to return home to give an account of the situation,

Sept. 10. Oliver dissatisfied with the edict,

[1] *Morland*, 601-612. [2] *Ibid.* 652.

[3] Servien to Brienne, Aug. 1/11, *Arch. des Aff. Etrangères*, xlix. fol. 531. It has been often said that the Protector intended Blake to attack Nice and Villafranca, and it is indeed probable that Oliver had the design of seizing the two ports—not, indeed, for the purpose of sending an army across the mountains to Turin, but as a blow to the Duke. On Aug. 1/11 Bordeaux wrote that the Protector had mentioned to him these two places as suitable for the landing of troops; and in a brief narrative, written shortly after the time of these events, Morland speaks of the Protector's intention of sending ships for this purpose, *Clarendon MSS.* liii. fol. 132. I fancy that, if it had been necessary, ships would have been sent, but not under Blake, who was at that time employed in looking out for the Plate Fleet, an occupation from which the Protector was hardly likely to recall him.

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resolving at the same time to hold back from the negotiation with Bordeaux till this matter had been cleared up.[1] A little further consideration, however, convinced him that it was useless to protest further against a settlement which had been accepted by the Vaudois themselves, and to which the Protestant Swiss had raised no objection.[2] His abandonment of any intention to make further demands upon the Duke led to the resumption of the negotiation with Bordeaux. Already on July 12 the Protector had signified his acceptance of the French offer of mediation by recalling all letters of marque issued against French subjects.[3] On September 19, three days after the resolution to drop the question of the Vaudois had been taken, Bordeaux was informed that though the Council disliked the idea of requesting him to resume the discussion of the treaty so soon after their disaster in the Indies, they would not object to take it up if he asked them so to do. On this hint Bordeaux made the required demand, and the negotiation entrusted to him was once more in full swing.[4]

Sept. 16. but resolves to accept it.

July 12. Letters of marque recalled.

Under these circumstances difficulties which some months before had hampered the negotiation were speedily dispelled. There was, of course, no mention in the treaty now drawn up of any active co-operation against Spain, as England was still formally at peace with that Power. All that was now aimed at was the restoration of friendly relations with France. The disputed clause about the renun-

Difficulties removed.

A treaty drawn up.

[1] Thurloe to Pell, Sept. 10; Thurloe to Morland, Sept. 10, Vaughan's *Protectorate*, i. 259–65.

[2] Thurloe to Downing, Pell, and Morland, *ib.* i. 268.

[3] Proclamation, July 12, Council Order Book, *Interr.* I, 76a, p. 76.

[4] Bordeaux to Brienne, Sept. $\frac{2}{12}$, *French Transcripts, R.O.*

ciation by each Power of any claim to protect the rebels of the other[1] was modified into a perfectly harmless phrase forbidding assistance to be given to rebels 'now declared,' thus leaving the possibility that Oliver might wish to assist some future rising of the Huguenots entirely unnoticed. After a succession of articles tending to facilitate commercial intercourse, the question of recouping the merchants and shipowners on either side for their losses was met by an engagement to appoint arbitrators to assess the damages—an engagement which was never carried out, because the French Government preferred in the end to leave the profits on both sides in the hands of those who had already secured them. Equally ineffectual was an article referring the question of the restoration of the Acadian forts to the same arbitrators. As no such arbitrators were appointed, these forts remained in English hands as long as the Protectorate lasted.

Banishment of the Stuarts and their adherents from France.

A secret article gave satisfaction to the Protector on a point of no little importance. A list of persons no longer to be harboured in France included Charles, eldest son of the late king, James, Duke of York, and seventeen of the principal adherents of the Stuart cause, many of whom, however, were no longer residing in Louis's dominions. Henrietta Maria, as the daughter, sister, and aunt of three kings of France, was permitted to remain in the refuge she had chosen. In return Oliver willingly consented to send away Barrière and nine other persons who were or had been agents, either of Condé or of the rebellious community of Bordeaux. The treaty was at last signed on October 24,

Oct. 24 Nov 8. Signature of the treaty.

[1] See *supra*, p. 388.

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three days before Cardenas left London.[1] Though it did no more than remove the obstacles standing in the way of a good understanding between the nations, it could hardly fail to pave the way for a closer alliance between Governments now threatened by a common enemy. No doubt the victory for humanity which Oliver had achieved with the help of France was but a halting victory. For the victims who had been slain or tortured by the brutal soldiery of the Duke of Savoy no vengeance had been taken and no justice had been exacted, and Milton's appeal to Heaven was in itself a confession of earthly failure :—

Milton's sonnet.

Avenge, O Lord, thy slaughter'd saints, whose bones,
Lie scatter'd on the Alpine mountains cold;
Ev'n them who kept Thy truth so pure of old,
When all our fathers worshipp'd stocks and stones,
Forget not; in Thy Book record their groans
Who were Thy sheep, and in their ancient fold
Slain by the bloody Piedmontese, that roll'd
Mother with infant down the rocks. Their moans
The vales redoubled to the hills, and they
To Heav'n. Their martyr'd blood and ashes sow
O'er all th' Italian fields, where still doth sway
The triple Tyrant; that from these may grow
A hundredfold, who, having learn'd Thy way
Early may fly the Babylonian woe.

The poet's prayer was but a pious aspiration. In Oliver's mind it was the leading thought, which gave energy to a foreign policy nobly conceived, but too complex to be carried out in successful action. Waller, writing about the time when Milton's sonnet was penned, and certainly before the bad news from Hispaniola had reached England, had celebrated in

Waller's panegyric,

[1] Treaty, $\frac{\text{Oct. 24}}{\text{Nov. 3}}$, *Dumont*, VI., ii. 121.

his facile verse, not the spiritual hopes and fears, but the earthly glory of the Protector:— CHAP. XLVII. 1655

The sea 's our own, and now all nations greet
With bending sails each vessel of our fleet;
Your power extends as far as winds can blow,
Or swelling sails upon the globe may go.

Heaven, that hath placed this island to give law,
To balance Europe, and her States to awe—
In this conjunction doth on Britain smile,
The greatest leader, and the greatest isle!

. . . . . .

Hither the oppressed shall henceforth resort,
Justice to crave and succour at your Court;
And then His Highness, not for ours alone,
But for the world's Protector, shall be known.

Oliver to be the 'world's protector.'

This thought of being the world's protector lay at the bottom of Oliver's suggested league for the defence of the Protestant interest. As he himself had put it a year earlier, "God had brought them where they were, in order that they might consider the work they had to do in the world as well as at home."[1] It was a noble and inspiriting thought, needing even for its partial realisation not merely a political self-abnegation rarely, if ever, to be found, but also the fullest and most accurate knowledge of the character and aims of the Governments and peoples of other nations, a knowledge never completely attained to by any statesman, and in which Oliver was himself singularly deficient.

Charles X. of Sweden.

Of all the Continental rulers, none had attracted Oliver's sympathies more strongly than the new King of Sweden, Charles X.; and when, in the spring of 1655, the nephew and successor of the great Gustavus was threatening an attack on Poland, he was

[1] *Clarke Papers*, iii. 207.

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regarded at Whitehall as a champion of Protestant truth against a Popish nation. In reality Charles was incited to war by very different motives. "Other nations," a Swedish diplomatist had confessed, "make war because they are rich; Sweden because she is poor."[1] When Christina abdicated in 1654, she had left the Swedish Crown even more impoverished than when that remark was made. Between her own lavish expenditure and the encroachments of the nobility it was hard for her successor to provide for the bare necessities of government. Yet he found himself at the head of a well-disciplined army out of proportion to the number of his subjects, of whom there were little more than a million in Sweden itself, and perhaps a somewhat larger number in the subject lands.[2] Like Oliver himself when he planned the war with Spain, and like Frederick the Great when he planned the invasion of Silesia, he was carried away by the temptation to seek for war. The temptation was the stronger as Charles was what Frederick was not at the time of his accession, a tried warrior, who had already commanded armies in the field.

His position at his accession.

Charles X. and Poland.

If war there was to be, there was much to determine the King to fix on Poland as the chosen enemy. Poland was weak through the insubordination of her nobles, and was at this time, much to her disadvantage, at war with the Cossack outlaws within her own borders and their Russian allies, the troops of the Tsar Alexis. There was, moreover, a hereditary dispute between Charles and

[1] Erdmannsdörffer, *Deutsche Geschichte vom Westphälischen Frieden*, i. 212.

[2] Carlson, *Carl X. Gustaf*, 14, says the population of Sweden proper was about 1,000,000. Philippson, *Der grosse Kurfürst*, i. 176, puts it at 1,200,000.

John Casimir, the Polish king, relating to the succession to the crown of Sweden, which made it easy to pick a quarrel.

Swedish possessions beyond the Baltic.

The real cause of war must, however, be sought elsewhere. When Charles X. mounted the throne, Sweden held, beyond the Gulf of Bothnia and the Baltic, lands which gave her almost every point of vantage on the further shore of the sea. Hers were —before Gustavus Adolphus landed in Germany— Finland, Esthonia, Ingria, Livonia. To these she had added at the Peace of Westphalia Western Pomerania, Wismar and the Duchies—formerly the bishoprics—of Bremen and Verden, and had established a garrison at Warnemünde, which commanded the port of Rostock. Though her occupation of the coast to the west of the Courland frontier was not continuous, she at least held positions of the greatest importance from a commercial point of view, planting herself on the mouths of the Weser, the Elbe, and the Oder. It was but natural that a King of Sweden should desire to lay his hands on the Vistula as well—the great river which, flowing through Polish territory from its source to its mouth, brought down the wood, the hemp, and the pitch which were the chief of its products. Such an acquisition would be of exceeding value to Charles in the exhausted state of the finances of Sweden, now that the Crown had been robbed of the greater part of its revenue. His eye was set, not so much on territorial acquisition as upon the tolls which would arise from the possession of the ports beyond the sea. War must be waged, not for the legitimate interests of Sweden, but to replenish the empty exchequer of the nation.

Sooner or later the attempt of any State to hold strips of land beyond the sea for the sake of revenue

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alone is doomed to failure. It rouses too many interests in opposition amongst the inland inhabitants, whose way to the sea is blocked and whose material interests are detrimentally affected. The position inherited by Charles, and still more the position he coveted, could only be held by the strong hand. Some day another Swedish king would be compelled to defend against a Tsar the lands by which Russia was cut off from an approach to the Baltic. The future enmity of Brandenburg was no less assured. The Elector's territories stretched from east to west—intermittingly, like the Swedish possessions on the coast—in a line from beyond the Rhine to the further limits of East Prussia, for the most part to the landward of the Swedish possessions. A glance at the map is sufficient to show that the Elector was urged by the geographical position of his States to drive the Swedes into the sea; to say nothing of the fact that, but for the weight which the Swedish sword had thrown into the balance when the treaties of Westphalia were under discussion, he would have put forward an unanswerable claim to the possession of Western Pomerania, which had been appropriated by the Swedes.

Position of Russia,

and of the Elector of Brandenburg.

Frederick William and his States.

It is true that the want of geographical coherence in these territories was an element of weakness; but it was an element which might be turned into strength by a great ruler mingling vigour with caution, and ready to seize opportunities as they rose, whilst turning away from impossible ideals. Such a ruler was Frederick William, who was one day to gain the title of the Great Elector. Geography, indeed, forbade him to be the author of a persistent policy carried out to the end in spite of obstacles. His aims were as many as the fragments of his territory and it was

The lands surrounding
THE BALTIC
1655.
Dominions of the King of Sweden.
Denmark.
Elector of Brandenburg.
Hereditary dominions of the Emperor
Dominions of the King of Poland.
Tzar.
Boundary of the Empire.
States feudally dependent on Poland underlined.
NORWEGIAN SEA
Gulf of Bothnia
Gothland
Oland
Livonia
Courland
Ingria
Revel
Riga
Memel
Königsberg
Pillau
Elbing
East Prussia
West Prussia
Lithuania
Danzig
Thorn
Warsaw
POLAND
Brandenburg
Berlin
Posen
Breslau
Leipzig
Dresden
Cracow
Silesia
BOHEMIA
Moravia
HUNGARY
Elbe
Oder
Vistula
Pregel
Niemen
Dwina
Stockholm
Upsala
Calmar
Wisby
Visby
Ystad
Malmo
Copenhagen
Zealand
Rugen
Stralsund
Lubeck
Hamburg
Bremen
Minden
Magdeburg
Halberstadt
Cologne
Munster
NETHERLANDS
Amsterdam
Embden
Wesel
Aix-la-Chapelle
Liege
Namur
Brussels
Ghent
Bruges
Ostend
Calais
Dover
Yarmouth
Lincoln
Hull
York
Durham
Newcastle
Berwick
Edinburgh
Leith
Dunbar
Aberdeen
Dundee
Perth
Stirling
Glasgow
Ayr
Dumfries
Carlisle
Lancaster
Liverpool
Chester
Shrewsbury
Worcester
Gloucester
Bristol
Oxford
Reading
Canterbury
Rochester
Dover
Portsmouth
Southampton
Salisbury
Exeter
Plymouth
Falmouth
Land's End
Isle of Wight
Portland
Weymouth
Dorchester
Hereford
Ludlow
Coventry
Northampton
Cambridge
Norwich
Yarmouth
Ipswich
Colchester
Harwich
Maldon
Gravesend
Rochester
Sandwich
Deal
Margate
Ramsgate
Hastings
Rye
Winchelsea
Brighton
Chichester
Arundel
Guildford
Kingston
Windsor
Eton
Oxford
Abingdon
Wallingford
Henley
Basingstoke
Andover
Winchester
Romsey
Lymington
Christchurch
Poole
Wareham
Bridport
Lyme Regis
Axminster
Honiton
Crediton
Barnstaple
Bideford
Launceston
Truro
Penzance
Helston
Redruth
Falmouth
Tavistock
Okehampton
Totnes
Dartmouth
Kingsbridge
Plymouth
Saltash
Looe
Fowey
Bodmin
Wadebridge
Padstow
Bude
Stratton
Holsworthy
Torrington
Ilfracombe
Barnstaple
Minehead
Taunton
Bridgwater
Wells
Glastonbury
Shepton Mallet
Frome
Warminster
Devizes
Marlborough
Swindon
Cirencester
Tewkesbury
Gloucester
Monmouth
Chepstow
Newport
Cardiff
Swansea
Carmarthen
Haverfordwest
Pembroke
Tenby
Milford Haven
Fishguard
Cardigan
Aberystwith
Machynlleth
Welshpool
Oswestry
Wrexham
Denbigh
Ruthin
Mold
Flint
Rhyl
Conway
Bangor
Caernarvon
Beaumaris
Holyhead
Anglesey
Isle of Man
Douglas
Peel
Castletown
Ramsey
Whitehaven
Workington
Cockermouth
Keswick
Penrith
Appleby
Kendal
Lancaster
Preston
Wigan
Warrington
Chester
Nantwich
Whitchurch
Ellesmere
Shrewsbury
Bridgnorth
Wolverhampton
Stafford
Lichfield
Tamworth
Birmingham
Warwick
Leamington
Coventry
Rugby
Daventry
Northampton
Oundle
Peterborough
Stamford
Grantham
Boston
Spalding
Wisbech
Ely
Cambridge
Newmarket
Bury St. Edmunds
Thetford
Lynn
Swaffham
Norwich
Yarmouth
Lowestoft
Beccles
Bungay
Harleston
Diss
Ipswich
Woodbridge
Aldeburgh
Orford
Saxmundham
Framlingham
Eye
Stowmarket
Sudbury
Colchester
Maldon
Chelmsford
Brentwood
Romford
Barking
Greenwich
Deptford
Lambeth
Westminster
Kensington
Hammersmith
Chiswick
Brentford
Richmond
Kingston
Epsom
Croydon
Bromley
Dartford
Gravesend
Rochester
Chatham
Sheerness
Faversham
Whitstable
Canterbury
Ashford
Tenterden
Rye
Hastings
Battle
Lewes
Eastbourne
Seaford
Newhaven
Brighton
Shoreham
Worthing
Littlehampton
Arundel
Chichester
Petworth
Midhurst
Haslemere
Godalming
Guildford
Farnham
Alton
Petersfield
Havant
Portsmouth
Gosport
Fareham
Southampton
Romsey
Stockbridge
Andover
Whitchurch
Basingstoke
Odiham
Hartley Wintney
Bagshot
Windsor
Eton
Slough
Uxbridge
Harrow
Hendon
Barnet
Watford
St. Albans
Hertford
Ware
Bishop's Stortford
Saffron Walden
Newport
Dunmow
Braintree
Halstead
Sudbury
Clare
Haverhill
Newmarket
Ely
Wisbech
Lynn
Downham
Swaffham
Thetford
Diss
Harleston
Bungay
Beccles
Lowestoft
Yarmouth
Norwich
Aylsham
North Walsham
Cromer
Holt
Fakenham
Wells
Holt
Sheringham
Aylsham
Reepham
Dereham
Swaffham
Downham
Lynn
Wisbech
Spalding
Holbeach
Boston
Sleaford
Grantham
Stamford
Oundle
Thrapston
Kettering
Wellingborough
Northampton
Towcester
Brackley
Banbury
Chipping Norton
Woodstock
Oxford
Abingdon
Wallingford
Henley
Marlow
High Wycombe
Amersham
Chesham
Berkhamsted
Tring
Hemel Hempstead

incumbent on him to change them from time to time as circumstances allowed. Yet, shifty as his policy necessarily was, he was in no sense a trickster or a flatterer. As an ally he could thoroughly be depended on for to-day, though it would be folly to depend on him for to-morrow. His chief merit is to have thoroughly grasped, in the first place, the fact that the Empire was virtually dissolved, and that his duty to his own territorially complex State must take precedence of all personal interests of his own; and, in the second place, that, considering that men and not frontiers constitute the State, it was his duty to keep on foot, in lands guarded by no deep rivers or lofty mountains, as well-disciplined and well-equipped an army as possible, and thereby to establish his own absolute power at the expense of the local oligarchies, which represented the special interests of certain classes in the several fragments of his dominions.

The Elector's course uncertain.

So far as the impending war was concerned the Elector's interests drew him in two directions. What principally concerned him was to take care that the Swedes, by seizing West Prussia from the Poles, did not cut him off from his own outlying duchy of East Prussia. If, however, it proved too dangerous to oppose the King of Sweden, there was always a chance of gaining with his help the conversion into absolute sovereignty of the feudal tenure by which he held East Prussia from the Crown of Poland. It was therefore impossible to foretell what the Elector's course would be—at least in the immediate present.

Position of Denmark,

From other quarters hostility to the Swedish plans was more surely to be counted on. Denmark, indeed, established as she was on both shores of the Sound, was an ancient enemy, only waiting for an

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opportunity to recover the losses she had suffered at the Peace of Bromsebro in 1645. The ill-will of the United Provinces was just as certain. Swedish acquisition of seaports to the south of the Baltic would be injurious to the trade of other nations, and no nation had so firm a hold upon the commerce of the Baltic as the Dutch. In 1634 they employed 6,000 ships in the Baltic trade, and only 1,500 in that of the rest of the world.[1] A State so circumstanced, to which commerce was as its life-blood, could not submit to the seizure by Sweden of the mouths of such a river as the Vistula. With this calamity in prospect it was natural that the States General and the Elector of Brandenburg should draw closer together. On July 17 a defensive alliance was signed between them, directed against any attempt of Sweden to increase the existing tolls.[2]

July 17. Alliance between Brandenburg and the United Provinces.

For some time before the signature of this treaty the States General and the King of Sweden had been bidding against one another for the alliance of the Protector. On March 17 Coyet had landed in England, charged by Charles X. with the duty of announcing the speedy arrival of an ambassador whose work it would be to lay the foundations of an alliance between the two States. His own business was to exchange the ratifications of the Treaty of 1654,[3] to obtain an agreement settling in detail the points relating to commerce which that treaty had laid down in general terms, and to procure leave for the levy of six or eight thousand Highlanders for the Swedish service. Coyet was received with the utmost friendliness by Oliver himself, and he was able to report that the popular feeling ran strongly

March 17. Arrival of Coyet in England.

April 11. His reception.

[1] Vreede, *Inleiding tot eene Geschiedenis der Nederlandsche Diplomatie*, Gedeelte ii., Stuk 2, Bylage xxviii.

[2] *Erdmannsdörffer*, i. 227.

[3] Vol. ii. 380.

against Poland. Yet, for some reason or other, his negotiation dragged. Leven, who was now in London, had sufficiently remembered his ancient ties to Sweden to promise to raise 2,000 men in Scotland, who were to be commanded by his son-in-law, Lord Cranston, one of the prisoners taken at Worcester, and still in custody. Month after month, however, rolled away, and the required permission was still held back, possibly because the English Government remembered too well how Leven had himself invaded England in command of Scottish soldiers, many of whom had been trained in the service of Gustavus Adolphus, an example which might be repeated by the Highlanders who had lately been in arms under Glencairn if they were sent abroad under the command of a Royalist colonel.[1] The progress of the commercial negotiations was quite as slow. The commissioners had always excuses to make for being unable to meet. The Council was, as they truly said, overwhelmed with business, or some of their most important members were in ill-health. In any case, the month of July was at an end before a single forward step had been taken.

Question of allowing Sweden to levy Highlanders,

and of a commercial treaty.

The truth was that such questions as these were subordinate to the greater question whether England and Sweden should enter into a fighting alliance. It is beyond doubt that Oliver yearned for such an outcome of Coyet's mission. On June 15, after assuring Coyet that the permission to levy men in Scotland was only delayed till the fleet in the West Indies returned with the good tidings which he then expected in two or three weeks, he burst forth into a eulogy of the great Gustavus Adolphus, relating how he had welcomed the news of his successes with

Oliver's ideal view of the situation.

[1] This is suggested by Coyet in his letter of May 18, *Stockholm Transcripts*; compare Carlbom, *Sverige och England*, 17.

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tears of joy in his eyes, and how he had mourned for his death as if he had been himself a Swede. He now hoped that Charles would follow his example. He, for his part, was ready to help in the good work, though he acknowledged that in former days England had failed to do her duty.[1]

View taken by the Council.

So far as can be judged from incidental remarks dropped by Coyet, the greater number of the councillors, with Lawrence, Fiennes, and Strickland at their head,[2] took a more practical view of the situation. Nieupoort, the Dutch ambassador, had left no stone unturned to convince them of the danger which English commerce would run, together with that of his own countrymen, if the mouths of the Vistula were allowed to fall into Swedish hands. Was it really for the interest of England, he asked, that the whole of the Baltic coast should be under one dominion? Nieupoort had reason to believe that this view of the case found acceptance even with the Protector, whose good sense was never entirely at the mercy of sentimental considerations. On May 9 Thurloe assured the Dutch ambassador that he concurred with his views, and told him that they were about to despatch an emissary to the King of Sweden —Rolt, a gentleman of the Protector's bedchamber, who was ostensibly to carry the ratification of the last treaty—to examine the question on the spot.[3] A month later Thurloe explained to Nieupoort that the levy of men had been refused to Coyet merely to please the

Arguments of Nieupoort.

May 9. A conversation with Thurloe.

June. Thurloe's explanations.

[1] Coyet to Charles X., June 22, *Stockholm Transcripts*; compare Carlbom, *Sverige och England*, 25.

[2] Coyet speaks distinctly of Lawrence's tendencies, and hints as much of Fiennes. Strickland's Dutch propensities are subsequently mentioned by Bonde.

[3] Nieupoort to the States General, May $\frac{1}{2}\frac{8}{0}$, *Add. MSS.* 17,677 LLL, fol. 208.

States General, though it was to the Protector's interest to clear the Highlands of every single Highlander.[1] It is unnecessary to take these diplomatic revelations too literally, but they at least testify to the energy of the struggle between the two ambassadors. About the same time Coyet, alarmed at the news that the Dutch were about to send armed vessels through the Sound as a convoy to their merchant fleet, took care that Nieupoort should hear of his boast that the dominion of the Baltic rested with his master, and that any men-of-war, save those of Sweden and Denmark, attempting to sail in that sea would meet with forcible resistance. Charles had already supported his minister by ordering him to appeal to the Protector's supposed jealousy of his Dutch neighbours, and to assure him that, if only he would side with the Swedes against them, privileges should be granted to English traders which would place them at a distinct advantage over their rivals.[2]

The dominion of the Baltic.

As an appeal to English commercial interests the proposal was not attractive, as there was no security that, when once the Swedes had made themselves masters of the Baltic ports for the present outside their sphere of domination, they would not take away those privileges which they were ready to grant in a time of conflict. The Dutch policy of hindering any one Power from securing a monopoly in the trade seemed to be the more advantageous for England as well as for the Netherlands. Oliver was thus dragged asunder by conflicting policies. His determination to forward the interests of English trade drew him to the side of the United Provinces; his ideal hopes of being able to do some-

English trade interests on the side of the Dutch.

[1] Nieupoort to De Witt, June $\frac{8}{18}$, De Witt's *Brieven*, iii. 71.

[2] Instructions to Coyet, May 15, Carlbom, *Sverige och England*, 35.

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thing for oppressed Protestants drew him to the side of Sweden. He would not have been the man that he was if he had not persisted in attempting to conciliate opposing factors long after it had been possible to do so.

July 18. Bonde's arrival.

The difficulty became greater when the promised ambassador—Christer Bonde, one of the most prominent of Charles's Swedish councillors—landed at Gravesend on July 18.[1] In the course of the following month he was received with exuberant delight by Oliver. At one of his audiences the new ambassador, knowing, as he explained to his master, that 'discourses about religion pleased him much,' took care to recall to the mind of the Protector that the Pope had condemned the treaties of Westphalia, and that the Poles, against whom he craved the Protector's help, were a Popish nation. The bait took. Oliver repeated, almost word for word, the language he had used in speaking to Coyet about his veneration for the great Gustavus and his admiration of his successor. Admitting that many thought the war with Poland unnecessary, he declared that he was under no obligation to that State. It was, however, otherwise with the Dutch, who were of the same religion with himself, and had borne themselves nobly in throwing off the yoke of the Papacy. In face of such a complication he must take some time to consider the proposal of an alliance between England and Sweden. Then followed an outburst against the Catholic Powers. The Pope, he said, was eager to make peace between all Governments of his own religion, and to direct their energies against the Protestants. It was, therefore, much to be desired that the design which the Most High God had only begun to accomplish in Germany through

Aug. His reception by the Protector.

[1] Bonde to Charles X., July 20, *Stockholm Transcripts.*

Gustavus of glorious memory might be completed by the great King Charles. To such a consummation he would gladly lend a hand.[1]

Oliver's reference to Gustavus Adolphus was a clear indication of his hope that Charles X. would engage in war, not with Poland alone, but with the Emperor as well, whom he believed to be threatening the rights of Protestants at the bidding of the Pope. So far, indeed, as concerned Pope Alexander VII., who had succeeded Innocent X. in the preceding April, Oliver's fears were undoubtedly well founded. From the beginning of his reign he had set his heart on concluding a peace between France and Spain, and, whatever his precise designs may have been, he may safely be credited with a desire to induce these two Powers, as well as the German branch of the House of Austria, to co-operate for the weakening of Protestantism. What Oliver did not understand was that the material interests which divided France and Spain would never allow them to work together for a common object, and that the Emperor Ferdinand III. was in reality the most peace-loving

Policy of Alexander VII.

unacceptable to the Catholic Powers.

[1] [The Protector] "upreppade hwadh fahra som wår Religion hafwer sigh af the Påweske att wänta, att jag wäll om denne Påwenz protest hade påmint thet wara een saak utaf öfvermåttan stoor importance, och kunde han migh thet seya sig wetta therom godh skedh at thenne Påwen medh all macht arbetar uppå att göra fredh emellan the Catholiske Konungar, och sedhan wända all theraz macht emoot oss. Hanzock the Catholiskez actioner emoot the fattige reformerade i Savoyen som öfwer 100 åhr ther sin Religion oturberade exercerat hafwe, så wäll som i Tyskland, uthyder nogsambt theraz intention. Han . . . sadhe sigh wisserligen troo att K^{t} M^{t} widh thenne närwarende intention icke skall stadna utan hoppaz att then nyttige dessein som den högste Gudh syntez igenom K. Gustaf höglofligst i aminnelse i Tyskland ärna att uthrätta, och likwäll af honom ey annat än begynt bleef, skall af thenne stoore K. Carl blifwa fulbordat, och sin önskelige effect till Gudz ähraz högste befordran, nå och erhålla, hwartill han hwadh han kunde contribuera wille." Bonde to Charles X., Aug. 23, *Stockholm Transcripts.*

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sovereign in Europe. Prematurely aged, and saddened by the death of his eldest son, whose election as King of the Romans he had with some difficulty secured, he was too conscious of the hideous sufferings inflicted on his subjects in the course of the late war to be desirous to embark on another in the guise of an anti-Protestant crusade.[1]

Cujus regio, ejus religio.

Oliver's mistake in believing that a general attack on Protestants was imminent was closely connected with his misapprehension of German feeling on the relations between rulers and subjects in matters of religion. As every German knew, an attempt to interfere with the internal government of any single State would bring back the horrors of the Thirty Years War, and such a recurrence of evil was the one thing which every German, from prince to peasant, was determined to avoid. Though it was perfectly true that Ferdinand was persecuting his own Protestant subjects in Bohemia and Silesia, it did not follow either that he was dreaming of suppressing Protestantism in Brandenburg or Saxony, or that the Electors of Brandenburg and Saxony were dreaming of intervening to stop his cruelties in his own dominions. As often happens, an opinion based on political convenience took shape in men's minds as a conviction of absolute justice, and neither the Emperor nor any other German prince being prepared to interfere in matters of religion outside their own territories, they held that such an action would be not merely replete with danger, but also positively unjust.

[1] For Mazarin's treatment of the Pope's scheme see Valfrey, *H. de Lionne, ses ambassades en Italie*, pp. 347–51. Pribram's *Freiherr von Lisolæ*, and Carlbom's *Sveriges Förhallande till Österrike*, give full proof of the constancy with which Ferdinand III. attached himself to the maintenance of peace.

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Neither Bonde nor Charles was therefore likely to be hoodwinked by so preposterous a policy as that which dazzled the eyes of Oliver. In replying to the Protector the ambassador had some difficulty in using expressions warm enough to conceal his real feelings. In conferring subsequently with the commissioners appointed to negotiate with him he let slip a few words which should have convinced them how little he realised the phantom of a religious war. Although, he said, the general Protestant interest appeared to be in some danger, yet peace still prevailed, and up to the present time the Catholics had attempted little except in the case of the Savoyard Protestants.[1] What Bonde sought was, not an alliance against the Catholic Powers in general, but twenty English ships in the Baltic to assist in keeping off the Dutch; in return for which aid the King of Sweden would assist the Protector with the like number of ships in the North Sea whenever he needed them. Virtually the request was one for an alliance against the United Provinces.[2] At the same time Nieupoort was urging Oliver to enter into an alliance with the States General, Brandenburg and Denmark against the Swedish attempt to monopolise the Baltic trade.[3]

Bonde's feelings about a Protestant crusade.

Nieupoort's diplomacy.

Oliver's hesitation to accept the overtures on either side may perhaps, to some extent, be accounted

The Protector in financial straits.

[1] Mr. Guernsey Jones (*Cromwell and Charles Gustavus*, 35, note 2) follows an exaggerated rendering of this passage by Kalling (*Chr. Bondes Ambassad*, 17). The words of the original despatch are: "Utförde så att huru almenne Protestantiske wäsende syntez någon fahra hafwa att förwänta, så woro likwäll ännu fredh, och föga annat af the Catholiske, än hooz the Savoiske Protestanter in till thenna dagh attenterat," *Stockholm Transcripts*. [2] *Ib.*

[3] Nieupoort to De Witt, Aug. $\frac{17}{27}$, $\frac{\text{Aug. } 24}{\text{Sept. } 3}$, De Witt's *Brieven*, iii. 111, 114.

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for by the failure of his expectation of the inflow of wealth, which was to have resulted from the expected reduction of Hispaniola by Venables, and from the no less expected capture of the Plate Fleet by Blake. Another motive for hanging back was undoubtedly his reluctance to abandon the hope of bringing about a harmonious co-operation between the Dutch and the Swedes. On the other hand, as the summer drew to a close, the military sympathies of the Protector were enlisted on behalf of the Swedish King, whose brilliant achievements in the field took all Europe by surprise, and could hardly fail to stir to the depths the heart of the soldier who now held the reins of power in England. Having sent his lieutenant, Wittenberg, across the Polish frontier on July 11, he followed in person on August 4. On the 23rd he defeated John Casimir's army at Sobota, and occupied Warsaw on the 30th. After another victory won at Czarnova on September 16, he advanced against Cracow, compelling it to surrender on October 8.[1] The Polish Republic, to all appearance, lay bleeding at the feet of the conqueror. Polish nobles, jealous of one another, and still more jealous of their elected King, flocked in crowds to the headquarters of the intruder, whom they welcomed as their lawful sovereign. The towns on the Vistula, German by origin and institutions, dreading the strong hand of the Swede, continued to hold out for Poland, whose yoke in matters of trade had been an easy one. The rapid return of Charles, however, threatened to bring them to reason. Thorn and Elbing surrendered on November 24. On December 11 Danzig alone—the queen of Baltic commerce—persisted in setting him at defiance.[2]

Aug.–Oct. The victorious career of Charles X.

Surrender of Thorn and Elbing.

[1] Carlson, *Sveriges Historia under Konungarne af Pfalziska Huset*, i. 232–49.

[2] *Ib.* i. 252, 253.

The successes of Charles X. gained him one favour at the hands of the Protector. George Fleetwood, a brother of the Lord Deputy, who had been in the Swedish service since 1629, had been for some time in England, soliciting the Protector to give permission for the levy of troops in Scotland. On October 12 leave was given to Cranston to raise a bare one thousand men in the place of the six or eight thousand for which Coyet had asked.[1] It was not much to Bonde's taste that so little was accorded, and still less was he satisfied when Oliver's congratulations took the shape of a fervent hope that when all was over the Swedish monarchy might have the Caspian for a boundary, whilst no progress was made with the proposal of sending an English fleet to support its claims in the Baltic.[2] On the other hand, it might be argued that there was no immediate need of such assistance, as the Dutch had by this time relinquished the idea of sending armed ships through the Sound.[3]

Oct. 12. A levy of 1,000 men allowed in Scotland.

Sept. 21. A proposed Swedish alliance.

It was the fault of Oliver's diplomacy that he did his best to ignore the deep-seated commercial opposition between Sweden and the United Provinces, as well as the worldliness of the aims of Charles X. On September 28 he directed Thurloe to announce to Nieupoort a scheme for the settlement of the Baltic difficulty. Sweden, he thought, might be asked to enter a general alliance with England, Denmark, the United Provinces, and the Elector of Brandenburg. Such a plan was hardly suited to meet the demands of a sinful world. All that can be said for it as a contribution to practical politics

Sept. 28. A scheme for settling the Baltic difficulty.

[1] See *supra*, p. 437.

[2] Bonde to Charles X., Sept. 28, *Stockholm Transcripts*.

[3] De Witt to Nieupoort, Sept $\frac{17}{7}$, De Witt's *Brieven*, iii. 120.

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1655 Oct. The Protector and the Elector of Brandenburg.

is that it paved the way to a better understanding between England and Brandenburg. The Protector had for some time had good reason to regard Frederick William with the gravest distrust. The Elector was not merely allied to the Stuarts by his marriage with a sister of the last Prince of Orange, but had thrown himself warmly into the cause of the exiled family, having contributed to Charles's support more largely than any other German prince.[1] The Elector, however, was too anxious for the support of England to hesitate in sacrificing a family alliance to the needs of the State; whilst Oliver was, on his part, inclined to look favourably on the friendship of a Protestant ruler. On October 20 the Elector was able to issue instructions to one of his subjects who bore the name of Schlezer to act as his representative at Whitehall, with the knowledge that his reception would meet with no obstacle in England.[2]

Oct. $\frac{20}{30}$. Schlezer to be the Brandenburg agent in England.

Oliver, in short, was gradually coming round to the belief that the Swedes intended to establish over the Baltic tolls a sole proprietorship which could not but be injurious to English trade. On October 17 he assured Nieupoort that he would accept no offers from Sweden without the concurrence of the United Provinces. He continued, however, to harp on the necessity of union between all Protestant Powers in the face of the mischievous designs of the new Pope.[3] About a month later he returned to the subject, and expressed his readiness to mediate between the Swedes and the Dutch without regard to his own interests.[4]

Oct. 17. The Protector's assurances to Nieupoort.

Nov 15.

[1] *Urkunden und Aktenstücke*, vii. 706–12.

[2] Instruction to Schlezer, Oct. $\frac{20}{30}$, *ib.* vii. 721.

[3] Nieupoort to De Witt, Oct. $\frac{17}{27}$. De Witt's *Brieven*, iii. 135. Nieupoort to the Greffier of the States General, Oct. $\frac{17}{27}$, *Add. MSS.* 17,677 W, fol. 168.

[4] Nieupoort to the Greffier of the States General, Nov. $\frac{14}{24}$, *ib.* fol. 225.

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Dec. 11. A conversation with Schlezer.

Later, on December 11, the Protector appears to have opened his mind to Schlezer, who, like Bonde, had the advantage of being able to converse in English. Ever since he had taken up the government, he declared, he had done his utmost to keep all Protestant States in friendship with one another, a friendship which was the more necessary in view of the dealings of the Papists with the Vaudois. What, therefore, could be said for those—the King of Sweden was evidently intended—who misused this conjuncture of affairs to extend their own territory or to draw commerce to themselves. His own first thought on assuming the Protectorate had been to place himself on good terms with the Dutch. If only he could have had the same consideration from the King of Spain he would never have gone to war with him, and he regarded his inability to keep the peace in that quarter as a sore burden imposed on him by God. If, in the end, he had preferred an understanding with France, it was because the French Government was comparatively tolerant as contrasted with Spain. Schlezer sought to bring the Protector back to the consideration of the Baltic question, which pressed the harder on the Elector as Charles X. was requiring him to place the two ports of East Prussia, Memel and Pillau, in Swedish hands. As Schlezer had not yet received a cipher, he omitted to record the Protector's answer.[1]

There can be little doubt what was the nature of that reply. Diplomatists engaged in a negotiation with Oliver could run into no more fatal error than by imagining that his devotion to the Protestant cause made him oblivious to commercial interests.

[1] Schlezer to the Elector, Dec $\frac{11}{21}$, *Urkunden und Aktenstücke*, vii. 727.

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Nov. 1. The Committee for Trade enlarged.

On November 1, a few weeks before his interview with Schlezer, he had enlarged the Committee for Trade, originally named in July, by adding to its numbers, besides his own son Richard, the two Commissioners of the Treasury, and three judges, a considerable number of persons actually engaged in commerce in the chief ports of the country.[1] The man who thus sought for the advice of experts was unlikely to belittle the subject of their inquiries.

Dec. 14. Oliver urges Bonde to give satisfaction about trade.

At his next interview with Bonde he besought the Swedish ambassador to remove the material causes of disagreement. Bonde, however, pleaded that he had as yet no precise instructions, and the question of trade was therefore held over for the present. The Swede, however, took the opportunity of magnifying so convincingly his master's zeal for religion as to draw from the Protector the exclamation, "I wish your instructions were as wide as your heart."[2] Yet on New Year's Day Oliver took an opportunity of assuring Nieupoort once more that he would never come to an agreement with Sweden apart from the United Provinces. At the same time he showed himself not altogether satisfied with the course taken by Charles. He would have been better pleased, he said, if that King 'had struck towards those territories'—Bohemia and Silesia were evidently in his mind—'where large numbers of Protestants had for many years been exposed to persecution.' As for himself, he was in duty bound not only to hinder a rupture between Protestant States, but to unite them in a league against the inhuman cruelties of the Papacy.[3]

1656. Jan. 1. His language to Nieupoort.

[1] Council Order Book, *Interr.* I, 76, p. 357.

[2] Bonde to Charles X., Dec. 21, *Stockholm Transcripts.*

[3] Nieupoort to De Witt, Jan. $\frac{4}{14}$, *Add. MSS.* 17,677 LLL, fol. 239.

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Troubles in Switzerland.

By this time Oliver had a fresh grievance against the Pope. In Switzerland the Papal canton of Schwytz had expelled its Protestants and had stripped them of their property. Remonstrances from the Protestant cantons, in which the refugees had found shelter, had been answered with an assertion that Schwytz was a sovereign State, and as such had a right to treat its own subjects as it pleased. The principle of *Cujus regio ejus religio* was thus asserted by a Swiss canton as boldly as by any German prince. Truly or falsely, Oliver believed that the peasants of Schwytz had a whole confederacy behind them, and his partial success in relieving the Vaudois—due in reality to special circumstances in his diplomatic relations with France, which were most unlikely to recur—led him to imagine that similar results could be obtained in this instance. For him it was a short step from a protest against the policy of a single Government to a protest against the policy of every Catholic Power in Europe. On the 7th he complained to Bonde that Spain, Bavaria, and the Pope were ready to support the tyrannical canton. After this he proposed more clearly than he had as yet done that his alliance with Sweden must be directed against the Catholic Powers,[1] and more especially against the House of Austria. A merely defensive alliance would be of little use. The enemy was so powerful that it would be necessary for all Protestant States to combine together against him. In other words, Sweden would have to begin by renouncing all claims to the East Prussian tolls, and by satisfying the Dutch in the matter of the commercial independence of Danzig. Bonde being still without

Jan. 7. A complaint to Bonde.

[1] France, in the Protector's eyes, must certainly not be included among these.

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instructions, took care to humour the Protector, and suggested—no doubt ironically—that if any Protestant States refused to join the league it would be reasonable to coerce them.[1]

Jan. 31. Bonde dissatisfied with the commercial proposals.

With plans so enlarged the Protector was resolved to have a clear understanding on the trade dispute. On January 31 Bonde had an interview with the commissioners appointed to treat with him on the subject. He was surprised and disgusted at what he considered to be the harshness of the terms proposed. An appeal to the Protector produced no effect. It was necessary, replied Oliver, to take the Dutch into consideration.[2]

Feb. 4. He appeals to the Protector.

Brandenburg and Sweden.

In one quarter the risk of war between two Protestant States had been at least temporarily averted. The Elector of Brandenburg had every reason to deprecate the establishment of a strong military monarchy on the ruins of anarchical Poland; but the army of Charles X. was very near, and neither England nor the United Provinces was prepared to assist him. Bowing, therefore, to necessity, he accepted from the King of Sweden such terms as were offered him. By a treaty signed at Königsberg[3] he received, indeed, Ermeland as an accretion to East Prussia, but, on the other hand, he exchanged, so far as that duchy was concerned, the light overlordship of the Polish King for the heavy feudal superiority of Charles X. Moreover, he consented to abandon to Sweden half the tolls of Memel and Pillau, and to admit Swedish men-of-war

Jan. 17. The Treaty of Königsberg.

[1] Bonde to Charles X., Jan. 11, *Stockholm Transcripts.*

[2] Bonde to Charles X., Feb. 1, 8, *ib.*; Carlbom, *Sverige och England*, 59, 62.

[3] Sometimes known as the Treaty of Welau, where it was signed by Charles.

into his harbours. The march of Charles to commercial supremacy in the Baltic was proceeding apace.[1]

Feb. 1. The treaty known in England.

Such a treaty, so one-sided in its effects, was made only to be broken; but in the meanwhile, so far as Brandenburg was concerned, it removed the danger of an immediate outbreak of hostilities between two Protestant Powers. The arrangement, the news of which reached England on February 1,[2] appeared so satisfactory in the eyes of the Protector that he omitted to consider the bearing of the agreement on the commercial question in which he was interested. On February 7 he took the opportunity of the news that a son and heir had been born to Charles to despatch to the King a letter, drawn up by Milton, congratulating him on his political as well as on his domestic fortune, and dwelling on the service he had done by wresting Poland 'as a horn from the Papal Empire,' and by making peace with the Elector, 'to the great satisfaction of the pious.'[3]

Feb. 7. The Protector's letter to Charles X.

Feb. 8. Bonde receives instructions.

The day after this letter was written Bonde received the instructions for which he had been waiting. He was to offer to the Protector a defensive alliance on the one hand against all enemies of either party, and on the other hand against all who infringed the Treaty of Osnabrück.[4] The Protector's overtures

[1] Philippson, *Der grosse Kurfürst*, i. 218–21; Carlson, *Sveriges Historia*, i. 251, 265–67.

[2] Carlbom, *Sverige och England*, 62.

[3] The Protector to Charles X., Feb. 7, Milton's *Prose Works*, ed. Symmons, vi. 21. The date of the letter is given by Carlbom from the original document at Stockholm, *Sverige och England*, 62, note 4.

[4] *Ib.* 64. The instructions were dated January 6, the day before the signature of the Treaty of Königsberg (Carlbom, *Sverige och England*, 64). They were accordingly given in full assurance that Charles had nothing to fear from the side of Brandenburg.

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received a rebuff on every point. A defensive alliance against all enemies[1] might easily lead him in the course of the summer into a war with the Dutch, whilst the proposal of a joint guarantee of the Treaty of Osnabrück left out of the question any concerted interference with the claim of Catholic States to deal with their own Protestant subjects at their pleasure. It based itself on a pretended acceptance of Oliver's notion that a Papal crusade was impending, and offered no more than an engagement to take arms in defence of the religious independence of the Protestant States of Germany—an independence which, as Charles knew perfectly well —though Oliver did not—was in nowise endangered, and on behalf of which, if there had existed any design against it, all Protestant Germany would have risen as one man, with the willing assistance of a considerable number, if not of the whole, of the Catholic princes.

The Treaty of Osnabrück to be guaranteed.

Nor was this all. It was notorious that though Ferdinand III. had no desire to break the peace in Germany, and though he was at this time stubbornly resisting the efforts of his ablest diplomatist, Lisola, to drag him into a war with Sweden on behalf of Poland, he had not been able to resist the temptation of rendering some assistance to his Spanish kinsman in his prolonged struggle with France. It was not impossible, therefore, that Oliver, now himself at war with Spain, might plead that Sweden was bound to protest against the help given by the Emperor to the enemies of England. The reference to the Treaty of Osnabrück cut short such expectations. There had been two treaties which together made up what is

The Emperor and Spain.

[1] Bonde to Charles X., Feb. 16, March 27. The Swedish proposals, as ultimately presented on March 17, are printed in *Thurloe*, iv. 623.

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usually known as the Peace of Westphalia. Of the two, that of Münster concluded between the Emperor and France, contained the obligation of those two Powers to take no hostile measures against one another. Charles X., by confirming his proposed guarantee to the Treaty of Osnabrück, which, having been concluded between the Emperor and the Protestant States in and out of Germany, naturally kept silence on the future relations between the Emperor and France, virtually refused to interfere in such a case. Oliver had to learn the bitter truth that if he was to do anything against the House of Austria on the Continent, he must not expect the co-operation of the King of Sweden. His aims had been high and his wish to benefit the world had been undoubted. The lesson taught him, if he had ears to hear, was that no beneficence of intention could avail him aught in this direction so long as his mind was steeped in ignorance of Continental modes of thought and of the intentions of Continental statesmen.

Oliver's diplomatic failure.

CHAPTER XLVIII.

COLONISATION AND DIPLOMACY.

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THE financial condition of the Protectorate being what it was, the King of Sweden must have known that, if he had accepted Oliver's scheme of an aggressive war against the House of Austria, the burden of the proposed war against the German branch of that House would have fallen exclusively upon himself; whilst the fight against the Spanish branch, with its chances of booty to be acquired if only the Plate Fleet could be captured, would have fallen to the share of the Protector. When he was not dazzled by the glitter of his imagined championship of the Protestant interest, Oliver was well aware that the work he had already undertaken was sufficient for his own shoulders to bear. In September 1655, the Venetian ambassador Sagredo[1] having urged upon the Protector the advantages of an alliance against the Turks, soon discovered that he was but beating the air. He was told that if he had arrived a year earlier, at the time when Blake's expedition to the Mediterranean was in contemplation, he might have prevailed on the English Government to give precedence to a Turkish war, but that it was useless to make such a proposal at a time when a war with Spain was unavoidable. Sagredo, though by

The war with Spain.

Sept. Sagredo's mission.

[1] See p. 225.

orders from the Senate he remained in England till February, soon discovered that his mission was fruitless. When he was preparing for his departure, the Senate contented itself with directing him to leave behind him his secretary, Giavarina, as agent for the Republic. No Venetian ambassador again landed in England till after the Restoration.[1]

The war with Spain unpopular.

The war with Spain was undoubtedly unpopular with English merchants. Those of them who traded with that country had to lament the loss of their property sequestered in Spanish ports, and complained that the issue of letters of marque to make reprisals on Spanish vessels was no adequate compensation for the interruption of so lucrative a trade. The French markets now opened to them promised little in comparison with that which they had lost.[2]

June 11. Humphries and Sedgwick sent to Jamaica.

On one point at least the Protector had made up his mind. Whatever might happen in Europe, he would maintain his hold upon Jamaica. On June 11, 1655, before the disaster in Hispaniola was known in England, he had sent out a fresh regiment, under Colonel Humphries, to keep up the numbers of the army, and Humphries was accompanied by Major Sedgwick, who was empowered to act as an additional commissioner. When, on October 1, the party reached Jamaica, Sedgwick found himself without a colleague. Winslow had died on the voyage from Hispaniola, Searle had never left Barbados, and Butler, following the example of Penn and Venables, had taken ship for England. Under these discouraging circumstances Sedgwick made an informal agreement with Goodson, to whom Penn had handed over the command of the fleet, and with Fortescue, who was at

Oct. 1. Their arrival.

[1] Sagredo's despatches, Sept. $\frac{14}{24}$, Feb. $\frac{6}{16}$, *Venetian Transcripts, R.O.*

[2] Bordeaux to Brienne, Nov. $\frac{5}{15}$, *French Transcripts, R.O.*

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the head of the military forces, to act as commissioners with himself. A month later he sent over a melancholy report to the Protector. "For the army," he wrote, "I found them in as sad and deplorable and distracted condition as can be thought of, and indeed think, as never poor Englishmen were in: the commanders—some dead, some sick, and some in indifferent health: the soldiery—many dead, their carcasses lying unburied in the highways and among bushes . . . many of them that were alive walked like ghosts or dead men, who, as I went through the town, lay groaning and crying out, 'Bread, for the Lord's sake!' The truth is, when I set my foot first on land, I saw nothing but symptoms of necessity and desolation. I found the shore thereabout filled with variety of several casks and hogsheads, puncheons, butts, barrels, chests, and the like, and several dry goods of the State's, as linen shirts and drawers, shoes, stockings, hats, armour, arms and nails, with divers other things lying without any shelter, exposed to all the damage that either rain or sun could do to them, and to the theft and rapine of either soldiers or strangers who, without question embezzled much of them. All the little bread they had, which was about thirty thousand, only kept in casks without doors, and much of it damnified by weather, which bread was kept to distribute a little to the soldiers—and most when sent upon parties. The people here were in daily expectation of a supply of provisions, yet made not the least preparation for the receiving of them. It is a wonder to consider so many wise men that had been here should leave the State's goods so exposed to rain that were so absolutely necessary for the well-being of the army; when, in a few days, a few men might have made a house to

Nov. 5. Sedgwick's report.

have secured them all; but so things lay, as if men had run away in a strange, distracted, affrighted condition, as leaving all to the spoil, and never once looking back."

Once more it devolved on the seamen to make good the deficiency of the soldiers. A party of Goodson's sailors ran up a storehouse in six or eight days. Yet the provisions thus secured from the effects of the weather could not be counted on to last longer than six months at the utmost, even if the men were put on short allowance. The comparative vigour of the sailors was undoubtedly due to their living on board ship under healthier conditions than those to which the men belonging to the land service were exposed. The soldiers owed the dysentery and fever from which they were suffering not only to the tropical heat striking on bodies enfeebled by a low diet, but to the absolute neglect of all sanitary precautions.[1] Fortescue himself fell a victim; and after his death his authority passed into the hands of a council of officers, Colonel Doyley being ultimately appointed President and Commander-in-Chief. Yet the ravages of disease were not stayed. The regiment brought over by Humphries landed with a strength of 831 'lusty, healthful, gallant men.' In a few weeks fifty of them were dead, 'whereof two captains, a lieutenant, and two ensigns.' The Colonel himself was 'very weak, the Lieutenant-Colonel at death's door.' All the surviving captains were ill; no more

[1] This is Dr. C. Creighton's opinion. He holds that the disease from which the force suffered was 'certainly not yellow fever,' but 'was probably allied to it in type.' "Dysentery," he adds, "had been almost universal; there was no care of the sick, and, so far as one hears, no medical attendance, no hospitals, no scavenging, no security taken to keep the water supply pure—nothing, in short, of what is now called sanitation." *A History of the Epidemics in Britain*, i. 643, 644.

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than four commissioned officers were fit to march, and the men, for the most part, were suffering to a greater or less extent. "Soldiers," continued Sedgwick, "die daily. . . . It is strange to see young lusty men, in appearance well, and in three or four days in the grave, snatched away in a moment with fevers, agues, fluxes and dropsies—a confluence of many diseases." The island itself was 'desirable, capable of producing any kind of merchandise that other islands do; full of several sorts of cattle.' Yet of these cattle the disorderly mob which called itself an army had recklessly slaughtered at least 20,000, and had rendered the remainder so wild that there was little chance of capturing more. Though the soldiers were ready to claim allotments of land, not one of them would cultivate his lot under that burning sun, and there were no negroes available to undertake a burden beyond the white man's powers. "Dig or plant," complained Sedgwick, "they neither can nor will, but do rather starve than work." No wonder officers and men with one accord cried out to be led back to the fleshpots of England.[1]

Sept. 4. Proposal to send non-military colonists.

Before this miserable account was written it had naturally occurred to Thurloe that a supply of other than military colonists would be likely to improve the position, and requests were accordingly sent to those in authority in Scotland and Ireland to make provision by sending young persons of both sexes to Jamaica. The reply from Scotland was somewhat discouraging.

[1] Sedgwick to the Protector, Nov. 5, *Thurloe*, iv. 151. Goodson, on Jan. 24, 1656, writes in as melancholy a strain, *ib.* iv. 451. In a joint report of the same day Goodson and Sedgwick write that 'it is our desire to attend your Highness's command, in keeping up love, unity, and amity between army and fleet, which through mercy we have attained to in a good measure.' Goodson and Sedgwick to the Protector, Jan. 24, 1656, *ib.* iv. 455.

"If I do not mistake," wrote Thurloe's correspondent, "there are three sorts of persons to be exported, viz., such men as are to be recruits; such as are to be planters; and such women as will go over with their husbands, or will adventure to seek husbands there." To send men as soldiers, unless voluntarily, would 'put the country in a flame.' Planters might perhaps be secured if good conditions were offered. As for 'women and maids, there were not many likely to consent, and it was probable that more might be got out of Ireland than here.'[1] In Ireland the transplantation had taught the authorities to deal with such matters with a high hand. "Concerning the young women," wrote Henry Cromwell, "although we must use force in taking them up, yet, it being so much for their own good,[2] and likely to be of so great advantage to the public, it is not in the least doubted that you may have such number of them as you shall think fit to make use of upon this account." A few weeks later it was resolved in England that 1,000 boys and 1,000 girls should be shipped at Galway in December, the age fixed in both cases being under fourteen.[3] From time to time, however, Thurloe wrote that the Council was too busy to attend to the affair. In the end it dropped out of sight, and not a single Irish boy or girl was despatched across the Atlantic in consequence of this resolution.[4] It was well that the scheme was not carried out. In its existing state of disorder Jamaica was no place for the

Scotch colonists wanted.

Irish girls to be sent from Ireland.

Alleged transportation of Irish boys and girls.

[1] Broghill to Thurloe, Sept. 18, *Thurloe*, iv. 41.

[2] These words imply Henry Cromwell's intention that, as Broghill said of Scotland, they were to be wives to colonists, military or otherwise.

[3] Order in Council, Oct. 3, Penn's *Mem. of Sir W. Penn*, ii. 585.

[4] Not only can no such transportation be traced in the records, either in London or in Dublin, but there is the negative evidence of

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inrush of a couple of thousand lads and lasses, especially as the matrons already in the colony were too few in number to afford fit guardianship for a large importation of young girls. So deplorable did the situation appear about this time on the spot that widows of soldiers preferred to sell themselves into temporary servitude in other islands rather than keep their freedom on the accursed soil of Jamaica.[1]

1656. Jan. Widows sell themselves into servitude.

Reported proposal to send out loose women to Jamaica.

In the spring of 1656 a proposal still more reprehensible in modern eyes was said to have been made. Full of his great design of establishing morality in London, Barkstead made a raid on the houses of ill fame, and committed some four hundred of their inmates to the Tower. It was at once rumoured that these women were to be sent to Jamaica—as the Dutch ambassador quaintly put it—to nurse the sick.[2] Such immigrants were not unknown in Barbados,[3] and it is not unlikely that Barkstead may have been eager to rid himself of his unruly charges, whose own moral position might be improved if they could be induced to settle in Jamaica as soldiers' wives. His plan, however, probably did not commend itself to the Protector and Council, as it appears to have been definitely abandoned.[4]

The Protector, indeed, was doing his best to induce settlers of a different stamp to throw in their

the absence of any mention of the arrival of so numerous a body by the writers of the voluminous letters which chronicle the position of affairs in Jamaica. So careful are the writers to tell everything that concerns the colony that it is incredible that they should have closed their eyes to such an importation, if it had ever taken place.

[1] Sedgwick to Thurloe, Jan. 24, *Thurloe*, iv. 454.

[2] Nieupoort to the States General $\frac{\text{Feb. 29}}{\text{March 10}}$, *Add. MSS.* 17,677 W, fol. 235. The translation in *Thurloe*, iv. 567, is less plainspoken as to the character of the women.

[3] See *supra*, p. 334, *note* 1.

[4] The story is told, with variations, by most of the foreign ambassadors, as well as by Royalist letter-writers. On $\frac{\text{March 31}}{\text{April 10}}$ however,

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lot with the military colonists in Jamaica. In September 1655 he despatched Daniel Gookin, a cousin of the Vincent Gookin whose advice on the affairs of Ireland he had gladly taken, to urge on the people of New England the advantage of transferring themselves to a more productive soil;[1] whilst, about the same time, he appealed to the Governors of the West India islands to induce their surplus population to seek fresh homes in Jamaica.[2] Gookin, on his arrival, had to report that the miserable condition of the Jamaica colony was sufficiently well known to deter the New Englanders from embarking on the proposed transfer of their homes.[3] As for the West India colonies, it was only from Luke Stokes, the Governor of Nevis, whom the Protector at once named to one of the vacant commissionerships,[4] that a favourable response was returned. From Jamaica itself the news which continued to reach England was indeed deplorable. A resolution was taken by the Protector to confer the title of Governor on Sedgwick, but when the news of his appointment reached him he took to his bed and died from sheer hopelessness, as was alleged, of being able to accomplish any good.[5] Nor were the prospects of winning spoil from the enemy—on which Oliver had counted as a means of

Sept. An invitation to the New Englanders,

Oct. and to West India colonists.

1656. Refusal of the New Englanders.

In the West Indies, Nevis alone accepts.

May 24. Death of Sedgwick.

Bordeaux states that the women were not yet sent, and as in the case of the Irish girls, the silence of the letter-writers in Jamaica must be held to be conclusive that they never were sent.

[1] Instructions to Gookin, Sept. 26, Penn's *Mem. of Sir W. Penn*, ii. 585.

[2] The Protector to Goodson, Oct. ?, *Thurloe*, iv. 449, v. 6.

[3] Goodson to Thurloe, Jan. 24, May 10, *ib.* iv. 449, v. 6.

[4] The Protector to Stokes, Oct., *Carlyle*, Letter CCV., where, as Mrs. Lomas has pointed out to me, the letter is incorrectly said to have been addressed to Searle. For Stokes's commissionership, see Brayne to the Protector, March 12, 1657, *Thurloe*, vi. 110.

[5] Aylesbury to Thurloe, June 25, *Thurloe*, v. 154.

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recouping his expenses—any brighter. In 1655, after Penn's departure, a squadron of the fleet under Goodson had sacked and burnt Santa Marta. The whole of the plunder, however, amounted to no more than 471*l.*[1] In 1656 Goodson burnt Rio de la Hacha, carrying off nothing but four brass guns, a cargo of wine, and another of cacao, which latter he sent over to England, in consequence of its value in producing the beverage known as chocolate, recently introduced into Europe as a medicament to be used under the advice of physicians.[2] The products of these two enterprises went but a little way towards defraying the expenses of the fleet.

Burning of Santa Marta,

1656. and of Rio de la Hacha.

Doyley in command in Jamaica

Sedgwick was succeeded in the command in Jamaica by Doyley, the senior officer in the island, an active and energetic soldier. Having no commission from the Protector, he found it difficult to maintain order. The great body of the officers, bent on returning to England, threw every possible difficulty in the way of plantation by the soldiers under their authority. The machinery of a court-martial was even brought to bear against those who attempted to fulfil the object which they had been sent to accomplish. By this means Colonel Holdip was cashiered on a charge of malversation in respect to the regimental chest, though Goodson believed that his real offence was that he had been more forward in the encouragement of plantation than was approved of by his brother-officers, who wished the private soldiers to be as discontented as themselves.[3] It was known, too, that these very officers had freely

Misconduct of the officers.

Holdip unjustly cashiered

[1] Goodson to the Council, Nov. 7, 1655, *Thurloe*, iv. 159.

[2] Goodson to Thurloe, Jan. 7, 25, *ib.* v. 96, 151. The use of chocolate is illustrated by many letters amongst the *Verney MSS.*

[3] Holdip was however disliked by more reputable persons on other grounds.

threatened the men that, if they planted at all, it must be as compulsory servants, and not as owners of the soil assigned to them as their property. The true remedy for the evil was to cut the mischief-makers adrift, and Doyley went so far as to send home one of the most seditious, Colonel Humphries. One example, however, was far from being enough.[1] It was left to Brayne, who arrived in December at the head of a considerable force, with a commission from the Protector establishing him as Governor, to find a remedy by informing the dissatisfied officers that they were at liberty to return to England as soon as they pleased.[2] Those who remained after the exodus which resulted from this permission threw themselves into the work of planting, now that the principal influences working for evil had been removed, and though hard times were still in store for Jamaica, the neck of its difficulties was broken.

Humphries sent home.

Dec. Arrival of Brayne.

Officers allowed to return.

The growing progress of the colony was not, however, entirely owing to Brayne's firmness and good sense. The negotiation with Luke Stokes[3] resulted in November in his removal to Jamaica at the head of no less than 1,600 of the poorer inhabitants of his island. Their number was the least part of the advantage they brought to their new homes. They came in whole families—men, women, children and servants—to introduce those domesticities of home life which had been wanting to the military settlers.

Nov. Settlement of families from Nevis.

It was quite as much to the purpose that by Goodson's advice they avoided the pestilential district round Santiago de la Vega, and established themselves

[1] Goodson to Thurloe, June 25; Doyley to Thurloe, October 6, *Thurloe*, v. 151, 476.

[2] Brayne to the Protector, Jan. 9, 1657, *ib.* v. 770.

[3] See *supra*, p. 455.

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at Port Morant, near the eastern extremity of the island.[1] In fresh ground these family settlements, accustomed as they had long been to West Indian life, might be expected to pay some regard to the laws of health, so far, at least, as they were recognised in the seventeenth century. Yet, even with these advantages, the settlers from Nevis lost two-thirds of their numbers, including Stokes himself, before they had been three months in their new homes.[2] In the spring of 1657 the remaining third were in good health, and established themselves without further check. Whatever may have been the proximate causes of this turn of events, the retention of Jamaica is primarily due to the dogged persistency with which the Protector refused to admit the possibility of failure after the disaster of 1655—a disaster which had been mainly caused by his inability to grasp the conditions of military success under circumstances outside of his personal experience.

1657. State of the settlers from Nevis.

Nearer home the position of the Stuart princes could not fail to be affected by the outbreak of hostilities with Spain. Even before that event had actually taken place overtures had been made to Charles at Cologne to put his trust in a combination in which the Levellers in England were to play a leading part in connection with the Spanish monarchy. Of this strange coalition the protagonist was Sexby, who after his escape from Portland[3] reached Antwerp in May 1655, where he at once sought out the leading Royalists in the Low Countries, assuring them that both king and kingdom would be the better if they relied on the assistance that he was able to secure

1655. Spain and the Stuart princes.

May. Sexby at Antwerp.

[1] Goodson and Stokes to the Protector, Oct. 18, 1656; Stokes to the Protector, Jan. 7, 1657, *Thurloe*, v. 500, 769.

[2] Brayne to the Protector, March 12, 1657, *ib.* vi. 110.

[3] See *supra*, p. 119.

among his own friends. In June he was more explicit, explaining that the English Levellers would gladly see the King restored, on condition that he would accept the system of constantly recurring Parliaments, and would content himself with exercising the executive power only when Parliament was not in session. Personally, he added, he would gladly see the King in possession of his legal rights, if only the liberties and the property of his subjects could be secured. The chief difficulty, he added, would be to satisfy the purchasers of the lands of ecclesiastical dignitaries, who would be certain to oppose a restoration unless their claims could be secured.[1] At the same time he pressed Fuensaldaña, who, as commander of the army, was next in authority to the Viceroy himself, to support the cause of the exiled King against the usurper who was dragging England into a war with Spain.

June. His views on a restoration.

He urges Fuensaldaña to support Charles.

Fuensaldaña, knowing as he did that Sexby's advocacy of a friendly understanding between England and Spain was not of recent growth, was inclined to listen favourably to this self-appointed negotiator. The intermediary between the two was Peter Talbot, an Irish Jesuit, whose brother Richard was afterwards notorious as the Tyrconnel of the reign of James II. Sexby, magniloquent and unscrupulous, had in his conversations with the English Royalists laid stress on the advantages of a democratic parliamentary monarchy. In his conversations with the Irish priest he set forth the desire of his friends to establish in England complete liberty of religion, including even the Catholics. He even went a step further, and contrived to persuade the Jesuit that he was himself

Employment of Peter Talbot.

[1] Phelips to Nicholas, May $\frac{1}{11}$, June $\frac{5}{15}$, *Nicholas Papers*, ii. 299, 340.

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a Catholic at heart.[1] Sexby's resolution to gain his ends was, in fact, seldom checked by any consideration for veracity, and before he left England he had induced Cardenas to receive him as the spokesman, not only of the Levellers, but of the Cavaliers and the moderate Presbyterians as well. In the Low Countries he produced letters, probably genuine, from Grey of Groby, Wildman and Lawson. One which he also showed, as having been written by Lawrence, the President of the Council, can hardly have contained any approval of designs hostile to the Protectorate.[2]

Sexby's rodomontades.

Sexby's rodomontades in magnifying his own importance went beyond all reasonable limits. He persuaded Talbot that his popularity amongst the soldiers outweighed that of the Protector, and to induce belief in this extravagant assertion recounted an incident which he alleged to have occurred on the march preceding the battle of Preston in 1648. Cromwell, he said, had then thrown himself on his knees before him, and had even promised to give him his daughter in marriage to induce him to take service in his army. So great, he affirmed, was his own influence with the soldiers at that time, that out of 1,500 men of which Cromwell's regiment was composed, all but seventeen deserted their commander to serve under himself.[3]

[1] P. Talbot to Charles, $\frac{\text{April 30}}{\text{May 10}}$, $\frac{\text{May 24}}{\text{June 3}}$, June $\frac{7}{17}$, *Clarendon MSS.* l. fol. 273, *Clar. St. P.* iii. 271, 272.

[2] Talbot's statement, that these writers placed themselves in Sexby's hands 'in tutto che tratasse col Papa e col Rè di Spagna,' may probably be true of the first three, but cannot be accepted of Lawrence. Sexby, however, may have shown an old letter written to him when he was in the Protector's confidence, and merely expressing sentiments of goodwill.

[3] This story is a fiction founded on the fact that Sexby brought to Cromwell a letter from Lilburne, the effect of which was to reconcile the Levellers in the army to service under Cromwell as their commander. Sexby had no position in that army. See *Great Civil War*, iv. 178.

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His mission to Spain.

Fuensaldaña, carried away by this torrent of lies, despatched Sexby to Spain to plead his cause in person with Philip and his ministers. Upon his arrival at Madrid Sexby proposed to establish in England under the restored monarchy a Constitution in accordance with that Lilburnian *Agreement of the People*, which he had formerly flashed before the eyes of Condé's faction at Bordeaux,[1] under which complete liberty of religion was offered even to the Catholics; though he now admitted that, at least for a time, it would be impracticable to grant them liberty of worship in churches open to the public. He also offered that, as a security that he and his friends would stand by their engagements, some of them should give themselves up to be held as hostages at Dunkirk; that when the expected insurrection took place in England Irish troops should be placed as garrisons in fortified towns; and that part of the fleet —doubtless so much of it as was under Lawson's influence[2]—which was expected to join the insurgents, should be brought across the Straits, and be anchored under the guns of Dunkirk. As soon as the movement had attained success Charles was to be asked to receive the Crown as the people's gift, and on assenting to these terms, and on repudiating any claim to hold England by right of conquest, was to be permitted to remount the throne. As the Spanish Treasury had little to spare for the support of so costly an enterprise, Sexby proposed to invite the Pope to contribute 100,000*l.* towards an undertaking likely to prove advantageous to his Church.[3]

[1] See Vol. ii. 93.

[2] "Scrive il mio amico che habita in le Dune, questo è il generale de la flotta che adesso resta in Inghilterra." Sexby to P. Talbot, *Nunziatura di Bruselas, Vatican Archives*. This points unmistakably to Lawson.

[3] *Ib.*

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If Philip had accepted this verbiage as a solid basis of action, he would have shown himself even more ignorant of England than the Protector was showing himself of Austria and Sweden. As it was, Sexby had to content himself with a promise of pecuniary support, only to be given after the insurrection was in full swing.[1] Nor was Sexby, upon his return to the Low Countries towards the end of October, any more successful with the English Royalists, who, ready as they were to receive any assistance that might offer itself, were as profoundly suspicious of the proposal to erect a democratic monarchy as they were of Sexby himself. Meanwhile some of the Royalists were hoping to obtain their ends by the shorter course of assassination, and about the middle of November Richard Talbot and James Halsall were arrested in England on suspicion of being concerned in an attempt to murder the Protector. It was a conspiracy which has the peculiarity that, while the English Government failed to secure satisfactory evidence against the conspirators, the fact that they were employed in a murder-plot is established upon the evidence of Royalists; whilst it is placed beyond doubt that the respectable Ormond, and other Royalists of equal respectability, sympathised with those who were contriving murder.[2] In the eyes of the exiles the Protector was himself a murderer of the blackest dye, and might be done to death without compunction by all true-hearted subjects. Both Talbot and Halsall succeeded in effecting their escape to the

A dilatory answer.

Oct. 27. Nov. 6. Sexby returns to Antwerp.

Nov. 16. Richard Talbot and Halsall arrested.

[1] Talbot to Charles II., $\frac{\text{Nov. } 29}{\text{Dec. } 9}$, *Clarendon MSS.* l. fol. 213.

[2] It is true that Talbot in writing avoids such an unpleasant word as murder, and only talks of 'an attempt upon the Protector's person,' and so forth. But it is impossible after reading the correspondence to feel any doubt as to what was intended. R. Talbot to Ormond, $\frac{\text{Jan. } 22}{\text{Feb. } 1}$, Carte's *Orig. Letters*, ii. 69.

Continent, after baffling the interrogatories to which they had been subjected.[1]

The Protector's failure to produce sufficient evidence to convict these two men may perhaps be accounted for by the loss of his principal spy at Charles's Court. Suspicions having been roused by Manning's frequent correspondence with England, he was arrested and his papers seized. It was found that he had drawn up an account of a discussion in the Council on a plan for the seizure of Plymouth. In vain Manning pleaded that he had never given any but useless information to Thurloe, and also that he had made up his mind to break off the connection as soon as possible. Nicholas and Culpepper, who conducted the inquiry into his conduct, were not to be blinded.[2] The only question was in what way he could be executed as a traitor to a king who had not a foot of land over which to exercise sovereignty. The Elector of Cologne refused to permit so anomalous a jurisdiction within his territory. The Count Palatine of Neuburg, however, authorised the execution in his Duchy of Juliers, and the unfortunate man was accordingly taken across the border and shot in a wood by Armorer and Sir James Hamilton.[3]

Nov. 25. Manning arrested and executed.

[1] Peter Talbot writes that nothing made him laugh more 'than that Cromwell should ask of my brother why he should think of killing him . . . seeing he had never prejudiced him in his life; as if to murder the King and the nobility and gentry of three nations were nothing.' P. Talbot to Harding $\frac{\text{Dec. } 25}{\text{Jan. } 5}$, *Clarendon MSS.* li. fol. 10.

[2] *Nicholas Papers*, iii. 149-87. Mr. Warner expresses a doubt as to the trustworthiness of Manning's information about the deliberation on the seizure of Plymouth. Manning's denial of its truth is worthless, and it chimes in with what we know of Sexby's projects at this time. Clarendon's account of the affair (xiv. 142-45) cannot be relied on for details.

[3] *The Public Intelligencer*, E, 491, 10; Sagredo to the Doge, Jan. $\frac{18}{28}$, *Venetian Transcripts, R.O.* The Count Palatine was the Elector of Brandenburg's opponent, Philip William. Sagredo erroneously calls

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Dec. $\frac{10}{20}$. Charles asked to change his religion.

Little as was to be expected from a combination with the Levellers, the exiled Court was all but driven into their arms by the credulity of the Government at Brussels. Having vainly tempted Charles to change his religion by dangling before his eyes the offer of a Papal grant large enough to set Sexby in motion, Fuensaldaña next pressed him to assent to the projected insurrection of the Levellers. Charles, however, who had rejected the plan of conversion from prudential motives, took care to indicate that though he had no objection to the Levellers assisting the English Royalists, he would not assent to a republican movement in which his own friends would be swamped.[1] The difficulty of giving to Sexby's scheme a plausible form lay principally in the obvious fact that no insurrection was likely to be successful unless the Royalists could gain the command of the sea, as in no other case would it be possible to support it with Spanish regiments. For the attainment of this object Sexby was necessarily dependent on his confederate, Lawson, who, however, was no longer, as he had been in the summer and autumn, in possession of an independent command.

The command of the sea necessary to the Royalists

A fleet preparing.

During the winter months a fleet was preparing for service on the coast of Spain, with the ulterior object of watching for the Plate Fleet, which might be expected to arrive at the end of the summer of 1656. Blake was, as a matter of course, to accompany it as admiral; but this time he was to receive a colleague in the person of one of the Protector's most attached

Blake and Montague to command.

him the Count Palatine, Duke of Brandenburg. In Hyde's correspondence he is invariably styled Duke of Neuburg—a non-existent title.

[1] P. Talbot to Charles II., Dec. $\frac{14}{24}$, Jan. $\frac{7}{17}$; the King's answer to the proposals of Mr. S[exby], *Clar. St. P.*, iii. 280, 284; *Clarendon MSS.* li., fol. 55.

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friends, Edward Montague. To Lawson was given the position of vice-admiral. As it is hardly possible that Montague's nomination by the Protector proceeded from any distrust of Blake as a commander, it may reasonably be accounted for by Oliver's wish to have someone in command of the fleet on whom he could rely to keep an eye on Lawson, and who was sufficiently acquainted with the political currents to know where the danger lay.[1]

Probable object of Montague's appointment.

The truth was, that though Lawson was known to be in the secrets of the Levellers, he was, as the author of the seamen's petition, too popular among the sailors to be easily dismissed, and it may well have seemed to the Protector that, if he were removed from the command of the Channel fleet, he would be safer under Montague's eye on the coast of Spain than in any other position. The risk from Lawson's hostility to the Government was, indeed, not to be treated lightly. The difficulty of manning the fleet was great, as the destination of the expedition was kept secret and the sailors suspected it to be destined for the West Indies. Moreover, the financial straits into which the Government had fallen stood in the way of the prompt payment of wages. Officers directed to press seamen into the service of the State met with organised opposition. Yet in the end their object was attained, partly by seizing sailors on shore, partly by compelling outward-bound merchantmen to surrender the most

Lawson to go as vice-admiral.

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Difficulty of manning the fleet.

[1] Clarendon says (xv. 26) that Montague was appointed at Blake's request, on the ground of his state of health. It is not unlikely that Clarendon heard this from Montague himself. It does not follow that the statement was true. A Royalist agent distinctly named the person to whom Blake complained that the Protector had 'joined him to a very worthless fellow.' Ross to Nicholas, July $\frac{1}{11}$, *S.P. Dom.* cxxix. 32. Giavarina, too, after making some inquiry, declares that Blake and Montague were not on good terms during the voyage.

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Sailors' grievances.

efficient seamen.[1] That the sailors were not without justification for their unwillingness to serve the State is shown not merely by the fact that, in accordance with existing regulations, the crews of Blake's fleet of 1654-55 received no pay during the twenty months of their service at sea,[2] but that not a penny of the money due to them had been made over to their wives and families, a grievance which had found its place in the seamen's petition of 1654.[3] As for prize goods, they were apt to remain in the hands of officials, or to be detained for the use of the State, instead of being distributed amongst the captors.[4]

Lawson regarded dangerous.

With such a feeling of discontent prevailing amongst the crews it is no wonder that Lawson's presence in their midst was regarded by the Government as a danger. It is at least certain that Charles was looking hopefully in this direction, and that on

Feb. 1. Charles's hopes from the fleet.

February 1 he instructed an agent to assure Fuensaldaña that, if he were openly received in Flanders, 'some of those ships may come in before they pass the Channel, at least that they will drop into the ports of Spain as they pass that coast and the Mediterranean.'[5] It may be suspected that Charles failed to realise the disinclination of the English sailor to desert his flag in the presence of the enemy.

[1] Weald to Peters, Jan. 22; Hatsell to the Admiralty Commissioners, Feb. 1; Hatsell to Blackborne, Feb. 5, *S.P. Dom.* xxiii. 59, cxxiv. 9-24, with other letters in the same collection.

[2] The fleet had been lying at Portsmouth long before it sailed for the Mediterranean.

[3] The Admiralty Commissioners to the Protector and Council, Oct. 12, 1655, *Thurloe*, iv. 79.

[4] Oppenheim's *Administration of the Navy*, i. 315-19. On the other hand, Goodson sold the plunder of Santa Marta 'at each ship's mast.' Though he does not say the price was divided, according to rule, amongst the crews, there can be little doubt that it was so. Goodson to the Council, Nov. 7, 1655, *ib.* iv. 159.

[5] Instructions to De Vic, Feb. $\frac{1}{11}$, *Clar. St. P.* iii. 286.

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Lawson, who can have been under no delusion on this score, suddenly threw up his command, either because he despaired of being able to satisfy the expectations he had raised at Cologne, or because he discovered that his secret had been betrayed.[1] His own explanation was that he would not go to sea till he knew the design of the voyage.[2] About a fortnight later Captain Lyons resigned, testifying his discontent at 'the neglect of due care for both commanders and seamen and their families in case of death or long absence at sea,' adding that 'he was not satisfied in the design . . . neither against whom we should go, nor where.' On the following day Captain Hill followed his example. Hill's objections to serve were still more explicit than those of Lyons. Englishmen,

Lawson resigns his command.

March 1. His example followed by three captains.

March 2.

[1] The Protector informed Bordeaux somewhat later that he had had information of Sexby's design 'd'exciter un soulevement dans la flotte,' Bordeaux to Mazarin, $\frac{\text{March 31}}{\text{April 10}}$, *French Transcripts, R.O.*

[2] "I cannot but admire at Capt. Lawson's actings, seeing he went so far; and thus to retreat renders him not the person I took him for. Ingenuity would have prompt[ed] him to have done otherwise, but I fear he is so strongly biassed by those that wish not well to the present public transactions that he consulted not his own reason as he ought on the best of accounts." Hatsell to the Admiralty Commissioners, Feb. 15, *S.P. Dom.* cxxiv. 34. Hatsell's statement to that effect is also corroborated by the statement of the Dutch ambassador that Lawson 'seyne comissie heeft nedergelegt.' Nieupoort to the States General, Feb. $\frac{15}{25}$, *Add MSS.* 17,677 W, fol. 229. Also, in a letter of Jan. 1, 1657, John Thompson writes (*S.P. Dom.* cliii. 6) to Robert Thompson, the Navy Commissioner, that his friend, Vice-Admiral Lawson, had laid down his commission. It is, if possible, even more conclusive that the official warrant of the Navy Commissioners issued on August 28, 1656, for Lawson's pay (*ib.* cxliv. 111) directs that it is to be reckoned up to Feb. 11, the day he laid down his commission. On the other hand a royalist puts it otherwise. "Your most admired Lawson, the Vice-Admiral, is cashiered for refusing to go to sea till he knew the design." Pile to Whitley, Feb. 21, *ib.* cxxiv. 90. The epithet 'most admired,' occurring in a letter from one Royalist to another, indicates the expectations formed in that quarter, but the term 'cashiered' cannot be accepted in view of the preponderating evidence that Lawson resigned.

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he alleged, and not Spaniards, had been the cause of the trouble in the Indies, and he consequently disapproved of the orders given to Blake the year before to attack the Plate Fleet. His conscience, he averred, would not 'suffer him to fight the Spaniards either in the West Indies or southerly,' though he was ready to defend his own country if attacked by an enemy in the Channel. A few days later Captain Abelson also laid down his commission on the plea of his wife's ill health. A lieutenant who declared that if he had been in Lawson's place he would have acted in the same way as the Vice-Admiral was promptly cashiered.[1] At Whitehall, where Sexby's projects were well known, the whole trouble was attributed to Spanish intrigue.[2] Lawson's place had been filled without delay by Badiley,[3] whose conduct against the Dutch in the Mediterranean had left nothing to be desired.

March 7.

Feb. 14. Badiley succeeds Lawson.

Lawson not connected with the Fifth Monarchy Men.

Though Lawson's defection put the Government on its guard against the Levellers, he had no connection with the Fifth Monarchists, and, with characteristic hopefulness, the Protector seized the opportunity to make one more attempt to conciliate the latter, who, whatever other reasons for dissatisfaction they might have, were at least unlikely to object to an attack on Papal Spaniards. On February 19 the Council took into consideration the release of Harrison and his fellow-sufferers, Carew, Courtney, and Rich.[4] Their liberation was, however, postponed for a little time; but on March 22 Harrison, in spite of his asseveration that he pre-

March. Liberation of Harrison and Rich.

[1] Montague to Thurloe, March 2, 7, 10, *Thurloe*, iv. 570, 590, 594.

[2] Thurloe to Montague, March 4, Carte's *Orig. Letters*, ii. 87.

[3] *The Public Intelligencer*, E, 492, 6.

[4] See *supra*, p. 116.

ferred imprisonment to liberty, was forced to accept the freedom which he deprecated, and is heard of before the end of the month in his house at Highgate.[1] Rich appears to have been set free, voluntarily or involuntarily, about the same time, though Carew and Courtney remained in durance. The delay was probably owing to information which reached the Government of the intention of the Anabaptists and Fifth Monarchy Men to meet in London to discuss the question of taking arms. Such a meeting was actually held about the middle of March. With his usual dislike of unnecessary bloodshed, the Protector, instead of sending soldiers to disperse it, invited some of his own Baptist supporters to argue the matter out with their more extreme co-religionists, with the result that the gathering dispersed in a more peaceable frame of mind than had been expected.[2] It was, no doubt, less with the object of defending the Protector against movements of this kind, which might properly be dealt with by the regular forces, than to preserve him against a renewal of assassination-plots such as that with which Halsall and Talbot had been charged, that a new lifeguard, composed of picked and highly paid men who had served with credit in the army, and no less than 160 strong, was instituted as a security for his person.[3]

A meeting of Anabaptists and Fifth Monarchy Men.

Feb. 20. A new lifeguard.

[1] Council Order Book, *Interr.* I, 76, pp. 554, 586; Rogers, *Jegar Sahadutha*, 133; *The Public Intelligencer*, E, 493, 2.

[2] Thurloe to H. Cromwell, March 18, *Thurloe*, iv. 629. The officers sent to liberate Harrison reached Carisbrooke on the 20th; they must therefore have left London about the 17th or 18th, soon after this affair took place, thus justifying the suspicion that it had something to do with the postponement of a decision in the Council on Harrison's liberation. Rich must have been freed—though we have no statement to that effect—as he was re-imprisoned in August. Carew and Courtney were still in confinement in October.

[3] Council Order Book, *Interr.* I, 76, p. 556.

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Sexby's chance of success at an end.

With Lawson's resignation all chance of a successful issue to Sexby's schemes came to an end for the present.[1] It was, perhaps, a tardy conviction that Sexby was no better than a braggart that induced Fuensaldaña to seek a more direct understanding with Charles. Before the end of March Charles visited Brussels in strict incognito, and on April 2 a treaty was signed between his representatives and those of the King of Spain. By it Philip engaged to lend 4,000 soldiers to the Stuart prince as the nucleus of a larger army of Royalists. The sole condition was that a port of disembarkation should be secured in England. Subsequently, after Charles had by this means recovered his throne, he was to assist Philip to regain Portugal. On the burning question of the West Indies, Charles was to retain all that his father had held at the time of the Treaty of 1630, that is to say, Barbados, St. Kitts and Nevis. He was, however, not merely to abandon territory acquired since that date—in other words, Antigua, Montserrat, and Jamaica—but was to engage never to allow his subjects to make any fresh settlement either in the islands or on the mainland—a stipulation which is mainly interesting as showing the limits of Spanish concession. In a separate article, added on the following

April $\frac{2}{12}$. A treaty between Charles and Spain.

April $\frac{3}{13}$. A separate article on religion.

[1] Dyer, Sexby's servant, when examined on Feb. 27, 1658 (*Thurloe*, vi. 829), said that 800*l.* had been given to Sexby in Spain; whilst Thurloe, on April 15, 1656, mentions that precise sum as having come into his hands (*ib.* iv. 698). In another examination Dyer (*ib.* vi. 832) speaks of two sheepskins full of pistoles being sent over by Richard Overton. If so, it looks as if Overton was the person who betrayed Sexby's plans to the Government. It is known that on Sept. 6, 1654 (*Thurloe*, ii. 590), he offered his services to Thurloe, and he appears on Thurloe's list of payments out of the secret service money as having already received 20*l.* for his services on Dec. 13, 1653. *S.P. Dom.* xcv. 90, xcviii. Dyer in his information confuses the two Overtons, and generally mixes up his dates.

day, Charles engaged to execute the Irish treaty to which Ormond had consented in 1646,[1] and to suspend the penal laws against the Catholics in all parts of his dominions, as well as to do everything in his power to bring about their total repeal.[2] Though the whole treaty was intended to be veiled in profound secrecy, it was well known to the Protector before six weeks were out.[3]

The Spaniards not enthusiastic on Charles's behalf

Neither at Brussels nor at Madrid did Spanish statesmen lay much stress on this agreement. Without Lawson's aid there was no chance of obtaining the services of any part of the English fleet, and unless the command of the Channel could be secured it was useless to think of sending a Spanish force into England. When Philip ratified the treaty, he did so only on the ground that it might be useful to him at some future time, whilst it bound him to nothing for the present. Charles's request to be allowed to take up his abode in the Low Countries was granted with extreme reluctance. After the signature of the treaty, however, it was difficult to refuse his reiterated demand, and he was permitted to take up his quarters at Bruges, where for some time he spun out an idle existence with the help of a pension accorded to him by the Spanish Government.[4]

Charles at Bruges.

Career of Lucy Walter.

Now that Charles was brought into so close a connection with the enemy it was but natural that Oliver should seize with avidity on any opportunity of discrediting him in the eyes of Englishmen. Such

[1] *Great Civil War*, iii. 55.

[2] Abreu y Bertolano, *Colleccion de los Tratados de Paz . . . de España*, viii. 305.

[3] Bordeaux to Brienne, May $\frac{1}{11}$, *French Transcripts, R.O.*

[4] Cardenas to Philip IV., March $\frac{1}{11}$; the Archduke Leopold to Philip IV., $\frac{\text{March } 20}{\text{April } 8}$; Committee of the Council of State, $\frac{\text{April } 27}{\text{May } 7}$; Cardenas to Philip IV., July $\frac{1}{11}$, *Guizot*, ii. 562 72.

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a chance was at this time thrown in his way. In 1648, one Lucy Walter, the daughter of a Welsh gentleman, was living at The Hague as the mistress of Colonel Robert Sidney. When Charles returned from his expedition to the Thames, Sidney passed her on to his sovereign, whose infatuation went so far as to induce him to acknowledge as his own a son—the future Duke of Monmouth—to whom she gave birth seven months after he landed in Holland. So openly, indeed, did he display his affection that even his sister, the Princess of Orange, referred some years later to Lucy as his wife. When, however, Charles came back in 1651 from his long absence in Scotland, and found her again about to become a mother, he permanently discarded her. In June 1656, after various discreditable adventures, she made her way to London, this time in company with Thomas Howard, a Gentleman of the Horse to the Princess of Orange. Living at a great expense, with no avowable source of income, she became an object of suspicion to the guardians of order. Being lodged in the Tower, she was found in possession of a warrant from Charles for a pension of 5,000 livres, and she openly boasted that her boy was the son of the King.[1] On July 1 the Council ordered that she should be sent back to Flanders.[2] The courtly *Mercurius Politicus* printed Charles's warrant, and then proceeded to draw an inference:—"Those that hanker after him may see they are furnished already with an heir apparent, and what a pious, charitable prince they have for their master, and how well he

June. Her arrival in England.

July 1. Ordered back to Flanders.

Remarks of *Mercurius Politicus*.

[1] The evidence is collected in Steinman's *Althorp Memoirs*, 77-92.

[2] Council Order Book, *Interr.* I, 77, p. 218. She would be transported under the clause of the Instructions to the Major-Generals authorising them to send abroad persons without ostensible means of subsistence.

disposeth of the collections and contributions which they make for him here towards the maintenance of his concubines and royal issue."[1]

March 28. Sailing of the fleet.

For immediate purposes, however, the enemy was not Charles, but Spain. On March 28 the fleet, which had long been preparing in the Channel ports, at last sailed from Torbay.[2] Its delay, caused either by internal dissensions or by contrary winds, enabled two galleons and two smaller vessels from the belated Plate Fleet of the last season to reach Cadiz unmolested,[3] though their consorts had been wrecked in the Indies.

April 20. It arrives in Cadiz Bay.

When Blake and Montague reached Cadiz Bay, they found that the Spanish ships of war had taken refuge in the narrow and tortuous Carraca channel,[4] at the entrance of which had been placed vessels ready to be sunk on the approach of an enemy, and that the entrances to the harbour itself had been strongly fortified since Cecil's appearance in 1625, rendering an attack hazardous in the extreme. An attempt on Gibraltar was next thought of, but Montague declared that the enterprise would be hopeless without at least 4,000 soldiers to blockade the rock on the land side, holding that seamen were 'not for land service, unless it be a sudden plunder.'[5] For some weeks, therefore, the fleet continued cruising off Cadiz, occasionally exchanging shots with galleys creeping out when the sea was calm, but

[1] *Merc. Pol.*, E, 494, 13.

[2] Weale's Journal, *Sloane MSS.* 1431, fol. 43b.

[3] *Merc. Pol.*, E, 493, 8, 13.

[4] See map prefixed to *Hist. of Engl.*, 1603–1642, Vol. vi.

[5] Montague to Thurloe, Apr. 20–May 29, *Thurloe*, v. 67; Weale's Journal, *Sloane MSS.* 1431, foll. 44–45. It is probable that the Protector had suggested an attempt on Gibraltar before the expedition sailed. In a letter of April 28 (*Carlyle*, Letter CCIX.) he took up the subject, but so far as we can gather from Montague's letter this did not reach the fleet till after the question had been discussed.

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it neither suffered nor inflicted damage worthy of mention. On May 20, leaving sixteen frigates to keep up the blockade, the generals, with the more powerful ships, sailed for Lisbon.[1]

May 20. The generals sail for Lisbon.

The presence of the fleet in Portuguese waters was required to compel the reluctant King to ratify the treaty negotiated with Peneguiaõ in 1654.[2] The main objection taken by John IV. was to the article conceding to English merchants and seamen the free exercise of worship in their ships and houses.[3] An article which had been repelled at Madrid was not likely to be favourably regarded in Portugal.

The Portuguese treaty still unratified.

March 11. Meadowe's mission to Portugal.

Determined to have his way, the Protector despatched Philip Meadowe to Lisbon to demand that the treaty should be ratified without the alteration of a syllable.[4] Meadowe had some acquaintance with the foreign policy of the Government, having for some time discharged the duties of Latin secretary, from which Milton had been incapacitated by his blindness, and he might therefore be trusted to carry out his instructions with dexterity. His first interview with the King was, from his own point of view, unsatisfactory. "I am King," said John, "of Portugal, not of the Church."[5] A few days later an intimation that the fleet, then on its way to Cadiz, might look in at Lisbon with the kindliest intentions was not without effect, and the King was ultimately induced to make what he probably regarded as a

The King's reluctance to give way.

[1] Montague to Thurloe, Apr. 20—May 29, *Thurloe*, v. 67.

[2] See Vol. ii. 386.

[3] Pile to Ross, $\frac{\text{Feb. 20}}{\text{March 10}}$, *S.P. Dom.* cxxiv. 110. The statement contained in this letter is confirmed by the course of the subsequent negotiations.

[4] Nieupoort to the States General, March $\frac{7}{17}$, *Thurloe*, iv. 587.

[5] Giavarina to the Doge, May $\frac{2}{12}$, *Venetian Transcripts, R.O.* The Venetian fancied that the treaty demanded a public church for Englishmen in Lisbon, which was not the case.

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considerable concession. He would consent to grant the religious liberty demanded, if only the article were approved of by the Pope;[1] unless, indeed, the Protector would revert to the Treaty of 1641, giving liberty to Englishmen only so long as they gave no scandal. When the Protector, on May 3, heard of this offer, he treated the proposed reference to the Pope as an insult to himself,[2] and ordered Blake and Montague to leave Cadiz and sail for Lisbon, where a homeward-bound fleet from Brazil was expected shortly to arrive.[3] It was this order which brought about the relinquishment of the station off Cadiz by the larger portion of the ships under the command of the English generals. At the same time Meadowe was ordered to obtain ratification within five days of the reception of these new instructions or to come away.

April 21. A useless concession

May 3. The Protector hears of it, and

May 5. orders the fleet to sail for Lisbon.

A few days before this despatch was sent away an event occurred which, if the English diplomatist had been less public-spirited than he was, might easily have served to embitter the relations between the two countries. As Meadowe was returning from an audience he was wounded in the hand by a shot from an arquebus. The King, in his anxiety to shield himself from English vengeance, did his utmost, or appeared to do his utmost, to discover the criminal; but though it was a matter of common belief in Lisbon that the shot was fired either by Peneguiaõ himself or by his orders, with the intention of avenging his brother,[4] no arrests were made.[5] It is

May 1. An attempt to assassinate Meadowe.

[1] Meadowe to Blake and Montague, May $\frac{3}{13}$, *Thurloe*, iv. 759.

[2] Bordeaux to Brienne, May $\frac{1}{11}$, *French Transcripts, R.O.*

[3] Thurloe to Montague, May 6, Carte's *Orig. Letters*, ii. 106.

[4] See Vol. ii. 385.

[5] John IV. to the Protector, May $\frac{1}{11}$; Montague to Thurloe, June 17, *Thurloe*, v. 28, 124; Giavarina to the Doge, July $\frac{4}{14}$, *Venetian Transcripts, R.O.*

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probable, indeed, that the Protector's demands had so irritated public opinion in the country[1] that no other result was to be expected. All the more was King John desirous of showing personal courtesy to the wounded man, even going so far as to send no fewer than ten of the best physicians and ten of the best surgeons in Portugal to attend him when his wound was dressed.[2] In spite, however, of this multitude of advisers, Meadowe's wound proved not to be dangerous, and though, when the five days to which his negotiation was limited were expired the King had shown no signs of yielding, the envoy was able to announce on May 31 that the ratifications had been at last exchanged.[3] Praiseworthy as was the conduct of Meadowe in refusing to aggravate the situation on account of his personal grievance, it cannot be said that his diplomatic success was the consequence of his own efforts. His most powerful argument was the approach of the fleet, which was off Cape Espichel on the 27th, fully prepared to cope with the expected convoy from Brazil.

May 31. Ratifications exchanged.

The differences of opinion between Blake and Montague.

The differences of opinion between the two admirals were becoming a matter of public notoriety in London;[4] and causes for misunderstanding were not wanting on this occasion. Montague, with the fiery zeal of a landsman, was burning for the fray, and would have been glad to see Meadowe disavowed

[1] Bordeaux remarks that France could not support the Protector's demand for religious liberty 'dans un pays dont les loix interdisent la diversité de religions, où le clergé a grand pouvoir, et le Roy ne jouit que d'une autorité précaire.' Bordeaux to Brienne, June $\frac{2}{12}$, *French Transcripts R.O.*

[2] Giavarina to the Doge, July $\frac{18}{28}$, *Venetian Transcripts, R.O*; *The Public Intelligencer*, E, 494, 11.

[3] Meadowe to Blake and Montague, May 31, *Thurloe*, v. 79.

[4] See p. 465, *note* 1. Compare Giavarina to the Doge, June $\frac{28}{30}$, *Venetian Transcripts, R.O.*

on the grounds of the expiration of the five days before the King yielded, and of the failure to punish the authors of the attempted assassination. Blake prudently supported Meadowe, as having effected the object of his negotiation in substance;[1] and Blake's view was shared by the Protector, who was not the man to take exception to mere points of form. Meadowe was, moreover, able to advance a potent argument in favour of his views by shipping off to England the 50,000*l.*[2] which the King had engaged to pay to the English merchants in compensation for losses suffered by them during Rupert's visit in 1649,[3] but which now found its way, at least for a time, into the Protector's Treasury.[4] After this there was no longer any reason to detain the fleet in Portuguese waters, and on June 28 the generals returned to Cadiz Bay,[5] whence they sent out squadrons from time to time to harass what little of Spanish commerce was in existence, whilst they trusted to Providence to send, sooner or later, a Plate Fleet within their reach.

Blake and Meadowe supported by the Protector.

50,000*l.* sent home.

June 28. The fleet returns to Cadiz Bay.

The seizure of the Plate Fleet, if it were ever realised, would do much to fill the empty treasury of the Government. English merchants might be pardoned for looking nearer home, where the mariners of Ostend and Dunkirk, as well as those of the Biscay ports, were now actively employed in matching their quick-sailing privateers against the

Spanish privateers.

[1] Meadowe to Thurloe, June 16; Montague to Thurloe, June 17, *Thurloe*, v. 123, 124.

[2] *Ib.* v. 286. This was reckoned as the value of the coin sent home. It ultimately produced only 48,058*l.* *Receipt Books of the Exchequer*, Aug., Sept. 12, 16, 20; Council Order Book, *Interr.* I, 77, p. 601.

[3] See Vol. ii. 387.

[4] The division of the money among the merchants was to be settled by arbitration. I have not yet been able to discover when this took place.

[5] Montague to Thurloe, June 30, *Thurloe*, v. 170.

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mercantile navy of England. Having little trade of their own to protect, these hornets of the sea were freed from the necessity of guarding their own waters, and it would go hard with them if they did not find a lucrative occupation in the capture of a fair number of the 3,000 English merchantmen, who were, on an average, constantly exposed to danger.[1] In February some of these privateers had anticipated the issue of Spanish commissions, and by the middle of March forty sail, leaving the ports of Dunkirk and Ostend, had secured some thirty prizes in the Channel and the North Sea.[2] The Newcastle colliers, especially, fell an easy prey, and the price of coals began, in consequence, to rise in London.[3] In the Channel matters were quite as bad. Even when merchantmen were sailing under convoy it was easy for a nimble frigate to slip in amongst them and carry off its prey. The Dunkirkers were not only built for speed, but they were kept scrupulously clean, and frequently returned to port to be re-tallowed, whereas English men-of-war were often allowed to stream with seaweed. The complaints of those who lost their goods or their kinsmen were loudly raised, and the blame would naturally be thrown on the Government which had entered on a war for which there was no national demand.[4]

Feb. Their activity in the Channel.

March–June Losses of English shipping.

Question of the possession of Dunkirk revived.

The question of the possession of Dunkirk thus passed from the region of diplomatic possibility to that of urgent political necessity. The Protector, at least, had made up his mind that the offending port

[1] Sagredo to the Doge, Nov. $\frac{2}{12}$, 1655, *Venetian Transcripts, R.O.*

[2] Intelligence from Dunkirk, March 11, *S.P. Dom.* cxxv. 27; Cardenas to Philip IV., March $\frac{1}{11}$, *Guizot*, ii. 562.

[3] Giavarina to the Doge, March $\frac{14}{24}$, *Venetian Transcripts, R.O.*

[4] The documents amongst the State Papers are too numerous to be quoted separately.

must be transferred to his own guardianship, and as Mazarin had offered to comply with his wishes in 1654, he can hardly have expected much difficulty in attaining his object; and he therefore found great cause for dissatisfaction when Bordeaux, returning from his leave of absence, had but little to say, at his first audience on March 29, about that closer alliance for military purposes which was so much in the Protector's mind, especially now that the much-talked-of conjunction with Sweden had proved elusive. Another source of dissatisfaction with France was his knowledge that, just as the Protector had made up his mind to offer 20,000*l.* to support the resistance of the Swiss Protestant cantons to the claim of Catholic Schwytz to persecute its own Protestants,[1] a peace had been concluded under French mediation in which each canton was acknowledged to have the right of dealing as it pleased with its subjects.[2] The result was none the less disliked at Whitehall because it was a counterpart to the appeal by Charles X. to the Treaty of Osnabrück.

March 29. April 8. Bordeaux's audience.

End of the Swiss troubles.

Oliver was the more anxious because the rumours of a mediation on the part of the Pope between France and Spain had lately been acquiring consistency. When, therefore, Bordeaux's silence confirmed the impression that the friendship with France was less solid than he had hoped, Oliver resolved to despatch a special ambassador to the French Court to discover from Mazarin in person what his intentions really were.[3] For this purpose he selected

Rumours of a mediation of the Pope between France and Spain.

[1] See *supra*, p. 443.

[2] Pell's correspondence (Vaughan's *Protectorate*, i. 282–429) gives the salient features of the struggle.

[3] Bordeaux to Brienne, $\frac{\text{March 31}}{\text{April 10}}$, *Guizot*, ii. 582; Bordeaux to Mazarin, $\frac{\text{March 31}}{\text{April 10}}$, *French Transcripts, R.O.* Only a portion of the latter is printed by *Guizot*, ii. 584.

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Lockhart named ambassador to France.

His career.

Sir William Lockhart, a Scot who, after an adventurous career, in the course of which he had served as a soldier in the armies of France and of the United Provinces, had returned home to fight under the standard of his own country in the Civil War. He was knighted by Charles I. after his surrender at Newark, and subsequently fought under Hamilton at Preston; but, considering himself slighted by Argyle, he threw up his commission before the battle of Dunbar, and, perhaps for that reason, saw his offer of service refused by Charles on the march to Worcester. In his anger he transferred his services to the English Parliament, and in May 1652 took his seat at Edinburgh as a member of the Commission for the Execution of Justice. In 1653 he represented Scotland in the Nominated Parliament, and in the first Protectorate Parliament he sat for his native county of Lanark. In July 1654, before that Parliament was chosen, he sealed his devotion to the Protector by marrying his widowed niece, Robina Sewster.

Mazarin tries to avert Lockhart's mission.

All that Mazarin and Bordeaux could do to avert this unwelcome mission was attempted in vain. Mazarin protested that the life of any representative of the Protector would be in danger from the English Royalists.[1] All that he effected was a resolution to provide Lockhart with a guard of twelve soldiers, disguised as his domestic servants, besides a certain number of officers, who would appear as the gentlemen of his chamber.[2] Mazarin had, indeed, more cause to deprecate any step which might bind him to an active alliance with England than Oliver was aware of, even though a rumour that the French had proposed to open a peace conference at Savona had reached his

Mazarin's peace projects.

[1] Mazarin to Bordeaux, Apr. $\frac{1}{2}\frac{8}{8}$, *Guizot*, ii. 587.

[2] Schlezer to Jena [?], *Urkunden und Aktenstücke*, vii. 749.

ears.[1] Such a frame of mind, once known to the Spanish ministers, could not fail to produce overtures on their part, now that they had to dread the fleets of England as well as the armies of France. Accordingly, in the course of February the Archduke Leopold had despatched a Spaniard named Gaspar Bonifaz to Madrid to adjure Philip to come to terms with France, at the same time emphasising his request by tendering his own resignation of the viceroyalty, on the plea that he could no longer hope to resist the enemy with credit. Bonifaz was directed to pass through Paris in order to obtain, if possible, the consent of Mazarin to the opening of a negotiation. Mazarin, who wished for nothing better than a peace which would secure her conquests to France, was highly delighted. Even Louis XIV. was brought on the scene. "Tell the King of Spain," he said, "that I desire his friendship more than anything else. No," he corrected himself, "there is something I desire still more, and it is that we should make peace and put our two crowns into a condition to defend religion, which is dangerously threatened." Such words betrayed the Frenchman's true feeling in the face of that Protestant alliance which was never long absent from the Protector's mind. Before the end of March Bonifaz brought back from Madrid the reply that Philip was as anxious for peace as Louis.[2]

Feb. $\frac{1}{10}$. Mission of Bonifaz

Feb. $\frac{14}{24}$. Bonifaz assured of the concurrence of France.

At his first audience, on May 8, Lockhart was received with every show of courtesy by the King, in the presence of the Cardinal,[3] but was unable to obtain an interview with the latter till he met him at

May $\frac{8}{18}$. Lockhart's first audience.

[1] Intercepted letter from Boreel, Jan. $\frac{4}{14}$, *Thurloe*, iv. 386.

[2] Valfrey, *Hugues de Lionne, ses ambassades en Espagne et Allemagne*, 1–8.

[3] Letter to Bampfield, May $\frac{10}{20}$, *Thurloe*, v. 8.

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Compiègne on the 19th. In the conversation which ensued the French minister suggested the smaller fort of Mardyk as the place to be attacked and surrendered to England after its capture, but put certain questions which, as they must necessarily be referred to England, would take some time to answer.[1] Before the reply could arrive Mazarin casually mentioned that he could not be ready to commence operations before July 20.[2] It is obvious that the date was fixed, not on account of military exigencies, but because Lionne, the ablest of the French diplomatists, was to start on May 31 for Madrid to treat for peace, and that time must be afforded for knowing whether his mission proved a success or a failure.[3] A discussion on such points as whether France should or should not pay the English troops to be used in the siege kept the ball rolling till June 20.[4] By that time Mazarin knew that the negotiation at Madrid was less promising than he had hoped, as, whilst Lionne considered the restoration of any one of the fortified places secured by France as a favour to Spain, Don Luis de Haro considered it to be a favour to France if she were allowed to keep a single one of the fortresses she had conquered.[5] Yet for all that Mazarin was not without hope of a better answer. The French army was laying siege to Valenciennes, and if, as there seemed every probability, the town fell into its hands, Spain might possibly be brought to acknowledge her helplessness. The siege also enabled him to delay a final answer to Lockhart, as it was

May $\frac{1}{2}\frac{9}{0}$. Mazarin proposes an attack on Mardyk.

May 28. June 2. A date fixed for co-operation.

May 31. June 10. Lionne starts for Madrid.

June. State of the negotiation.

[1] Lockhart to Thurloe, May $\frac{1}{2}\frac{8}{8}$, *Thurloe*, v. 41. Lockhart's chief despatch of this date is missing; but compare the despatch of $\frac{\text{May 28}}{\text{June 2}}$, *Thurloe*, v. 52.

[2] Misprinted June in *Thurloe*, v. 53.

[3] *Valfrey*, 13.

[4] Lockhart to Thurloe, June $\frac{2}{8}\frac{3}{0}$, *Thurloe*, v. 142.

[5] *Valfrey*, 14–22.

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obvious that the army was insufficient to master Valenciennes and a Flemish port at the same time.[1] The day, however, arrived when this excuse ceased to be available. On July 5 the French besieging army was broken up by the Spaniards, who followed up their success by the capture of Condé on August 8.

July $\frac{5}{15}$. Valenciennes relieved.

Aug. $\frac{8}{18}$. Condé taken.

The failure to take Valenciennes affected both negotiations. Mazarin assured Lockhart, with little regard for truth, that Lionne had been sent to Madrid merely to satisfy the Pope and the clergy, and then, with more convenient truthfulness, unrolled the exorbitant demands of Spain before the Englishman's ears as an argument to show that France was driven to carry on the war at all costs. He did not mention, indeed, that Lionne had not yet been recalled, but he urged a demand for the loan of 4,000 English soldiers, to be employed, not in the siege of Dunkirk or Mardyk, but in that of some inland place.[2] A fortnight later, when he was pressed to join in an attack on Dunkirk, with the object of placing it after its surrender in English occupation, he for some time positively refused to agree. To besiege Dunkirk, he said, would enable the Spaniards to gain some other fortress, and to deliver up Dunkirk to his Highness, whilst this other place was, at the same time, lost to France, would render him so odious to the whole country that he durst not venture upon so dangerous a policy. Yet before the interview was at an end the Cardinal so far yielded as to engage to join in an attack on Dunkirk, if only the execution of the plan could be deferred to the following spring.[3] Evidently what he was really aiming at was to post-

July $\frac{15}{25}$. An interview with Mazarin.

July $\frac{29}{\text{Aug. } 8}$. Dunkirk to be besieged in the next spring.

[1] Lockhart to Thurloe, $\frac{\text{June } 27. 30}{\text{July } 7, 10}$, July $\frac{4}{14}$, *Thurloe*, v. 164, 172.

[2] Lockhart to Thurloe, July $\frac{18}{28}$, *ib.* v. 217.

[3] Lockhart to Thurloe, $\frac{\text{July } 29}{\text{Aug. } 8}$, *ib.* v. 252

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pone any irrevocable engagement with England till he was absolutely certain of Lionne's failure. With this answer the Protector was obliged to be content.

Sept. $\frac{8}{18}$. Breach of the negotiations.

At the time when this communication was made Lionne's mission was by no means at an end. Early in September Don Luis de Haro gave way so far as to abandon all claim to the lost territories of Spain. On one point only was he obdurate. Condé must be restored, not only to his property in France, but to those governments and other offices which had gone far to enable him to dictate terms to the Crown. Philip, in point of fact, had engaged to Condé in 1650 to make no peace with France without safeguarding these claims, and he was now ready to plunge his country once more into a hopeless war, rather than break his word. On this point of honour the long negotiation reached its term.[1]

Mazarin turns to the English alliance.

Mazarin's failure was Oliver's opportunity. In the war before her France stood in need of an ally, and that ally could be no other than England. As the friendship of England could only be secured by the delivery of Dunkirk, the Cardinal had no longer a choice. On November 8 he and Lockhart came to an agreement. "A levy of 3,000 men," wrote the ambassador to Thurloe, "is expected on your part. The maintenance of the whole land forces and all the charges of the land seized is to be theirs, and whether Dunkirk or Gravelines shall be begun at is referred to Marshal Turenne. The first of them that shall be taken is to be put into your hands; if Gravelines, it's to be put into your hands as a pledge for Dunkirk; if Dunkirk first, it's to be put into your hands absolutely, and the Protector is to dispose of the 3,000 men as he shall judge fit."[2]

Nov. $\frac{8}{18}$. An agreement about Dunkirk.

[1] *Valfrey*, 33-63. [2] Lockhart to Thurloe, Nov. $\frac{8}{18}$, *Thurloe*, v. 574.

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In coming to this decision, the French Government knew perfectly well that though the Protector was driven to wrest Dunkirk from Spain on account of the ravages of the privateers which issued from that port, it was jealousy of France which determined his resolution to bring it under his own rule, as it was doubtless jealousy of France which had made him cling to the hope of a Spanish alliance up to the autumn of 1654.[1] The future he believed himself able to confide to the strength of the English fleet and army. It is most unlikely that he was unaware that he could not hold the place without irritating a nation which, strong already, was about to grow stronger by his aid. Yet he seems hardly to have reckoned on the anger which his general policy raised beyond the Channel. "All persons here," Lockhart had written a few days before the completion of his task, "that pretend to be good Catholics express a passionate zeal for an accommodation between France and Spain upon any terms. The clergy press the necessity of it upon their auditories at all occasions."[2] If the Protector could have been informed of the language used by Louis himself to Bonifaz earlier in the year,[3] he would have had matter to give him pause. To claim to be the champion of the Protestant interest in Europe, and in so doing to

The Protector jealous of France.

Opposition of the French clergy.

[1] "M. le Protecteur ayant au temps du Parlement le plus contribué à la prise du secours de Dunkerque sur ce fondement que, si tous les portz de costé tomboient entre nos mains, l'Angleterre ne joueroit point de la liberté de commerce dans la Manche sans nostre consentement." Bordeaux to Brienne, May $\frac{1}{11}$, *French Transcripts, R.O.* This is, I believe, the only authority for supposing that Cromwell played a leading part in sending Blake to seize the French relieving ships. The account is, however, intrinsically probable, and, if true, shows how consistent Cromwell was in his dealings about Dunkirk.

[2] Lockhart to Thurloe, $\frac{\text{Oct. } 29}{\text{Nov. } 8}$, *Thurloe*, v. 532.

[3] See *supra*, p. 481.

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hold lightly the rights of kings and rulers over their subjects in matters of religion, was the very policy to provoke such a youth as Louis, who had no mind to see his own Protestant subjects supported against him by a foreign Power, and was perfectly aware that Oliver, in the course of the recent negotiations, had refused to renounce his assumed right to take up the cause of the Huguenots. The seeds, which were ultimately to come to an evil fruitage in the Revocation of the Edict of Nantes, were being unwittingly sown by the self-constituted Protector of the Protestant world.

CORRIGENDA IN VOLUME II.

Vol. ii. p. 439, line 12 from bottom of text, insert after 'with Spain': 'In fact, on April 20, the day after the Protector's stormy interview with Baas, there was a long discussion in the Council on the merits of the two policies, and though there was a pronounced difference on the subject, the general opinion, doubtless with the approval of the Protector, was on the side of a war against Spain in alliance with France. On that side the plea of the necessity of either disarming or employing the 160 ships which were no longer needed against the Dutch, and the belief that an attack on the Spaniards in the Indies would be "the most profitable of any in the world," was strengthened by a call to uphold the standard of true religion. The Spaniard, it was said, "was the greatest enemy of the Protestant cause." On the other side, on which can be clearly distinguished the voice of Lambert, it was urged that the loss of the Spanish trade, through which there was an annual importation of no less than 150,000*l.* in bullion or in coined money, would more than counterbalance any gain that might be expected from a war of aggression. Evidently, however, this was but the view of the minority, and the Council was able calmly to consider what would be the best point of attack. On the whole they concluded it to be advisable to content themselves with the possession of Hispaniola and Havana in the first year, leaving the acquisition of the remainder of the Spanish West Indies to follow in its proper season.[1] It was, therefore, not without good ground that'

Vol. ii. p. 472, line 2 from bottom of text, for 'Oliver who had . . . in the future' read:

'On July 20, with these material grievances before him, Oliver made up his mind to bring the question of war or peace with Spain once more before the Council. Yet with characteristic impatience of material considerations, he opened the debate by an attempt to place the quarrel on the plane of religion. "We cannot," he cried, "have peace with Spain out of conscience to suffer our people to go thither and be idolators. They have

[1] Montague's Notes, April 20, *Clarke Papers*, iii. 203-206.

denied you commerce unless you be of their religion." On this enthusiastic and inaccurate view of the case Lambert proceeded to throw cold water. Success, he urged, was improbable, nor was it likely that even success would in any way advance the Protestant cause. Moreover, there was enough work at home to keep their hands full.

"God," replied the Protector, "had brought them where they were in order that they might consider the work they might do in the world as well as at home." As for the expense, 'it was told us that this design would cost little more than laying by the ships, and that with hope of great profit.' Lambert was naturally unable to recognise the force of this argument. The armies in Scotland and Ireland, he said, must forsake their posts, unless more treasure were found to support them, and this could not be done unless the West Indian design were dropped. Oliver's reply, as reported, was somewhat cryptic:—"The probability of the good of the design, both for the Protestants' cause and utility to the undertakers, and the cost no more for one twelve-month than would disband the ships." Yet his real meaning, as it can hardly be doubted, must have been that, as the pay of the men need not be found till after the return of the expedition, the immediate expense would be no greater than that of paying off the ships at once. Lambert's reply was at least worthy of attention from a financial point of view. He denied the feasibility of making war on such restricted terms. It was not to be supposed that the ships could be employed for twelve months without needing supplies. There were besides 'casualties of diseases and wars that men are subjected to.' Colonists would not settle in Hispaniola unless it could be held in secure peace, and the 'Spaniard will certainly struggle as much as he can to preserve it.' "Whenever," he said in conclusion, "you do lay down your ships, the charge will be much increased and must be paid." Oliver was sanguine even on this score. "It's hoped that the design will quit cost." Six nimble frigates should 'range up and down the Bay of Mexico to get prey.'[1]

The Protector's optimistic belief that the enterprise meditated by him in the service of God and of a larger world than that encompassed by the four seas which guarded the British Isles, was covered by divine protection, left no room in his mind for the prudential considerations which filled so large a space in Lambert's vision. At all events, it was he, and not Lambert, who was the master of the hour, and he'

[1] A debate in the Protector's Council, July 20, *Clarke Papers*, iii. 207.

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